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COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

Proposal for a

COUNCIL DIRECTIVE

establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP

{COM(2018) 358 final} - {SEC(2018) 263 final} - {SWD(2018) 272 final}

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GLOSSARY

Term or acronym	*Meaning or definition*
Consular Protection Directive	Directive (EU) 2015/637
DOVID	Diffractive optically variable image device (holographic element)
EEAS	European External Action Service
ETD	Emergency Travel Document is a temporary travel document issued to a citizen when his or her passport or travel document has been lost, stolen or destroyed or is temporarily unavailable. This can include both national ETD and the European Format ETD (as provided for in Decision 96/409/CFSP)
EU ETD	ETD issued to EU unrepresented citizen on the basis of a common format provided for in Decision 96/409/CFSP
EU ETD Decision	Decision 96/409/CFSP
EUR/€	Euro
Member States	Member States of the European Union
MRTD	Machine Readable Travel Document
PKI	Public Key Infrastructure
TEC	Treaty Establishing the European Community

1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

The **right to equal treatment regarding consular protection** is one of the specific rights granted by the Treaties to EU citizens on the basis of their EU citizenship. This right is set out in Articles 20(2)c and 23 of the Treaty on the Functioning of the European Union (TFEU) and Article 46 of the EU Charter of Fundamental Rights. It is further spelled out in an EU Directive on consular protection for unrepresented European citizens living or travelling outside the EU, which was adopted on 20 April 2015 and will enter into application on 1 May 2018[1].

On the basis of this right, European citizens are entitled to seek help from the embassy or consulate of any other EU Member State if they find themselves in a situation where they need advice or assistance outside the EU, with no embassy or consulate from their own country to help them (if they are "unrepresented").

Decision 96/409/CFSP[2] introduced the EU common format Emergency Travel Document (hereafter, "EU ETD") to be issued by Member States to unrepresented EU citizens in third countries. EU emergency travel documents are documents being issued such citizens when their passport or travel document has been lost, stolen or destroyed or is temporarily unavailable.

EU ETDs are issued in relatively small numbers[3], but they constitute the most frequent type of assistance provided by Member States to unrepresented EU citizens in distress in third countries[4] and are indispensable in helping these citizens return safely home. Issuing EU ETDs is a type of assistance which normally (outside the EU) cannot be substituted by any other type of assistance, as holding a travel document is a prerequisite for travelling back to and crossing the external borders of the EU.

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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. 1–13)

2 Decision 96/409/CFSP of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document (OJ L 168, 6.7.1996, p. 4–11), available at: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:41996D0409

3 In absolute terms the number of EU ETDs issued is relatively low. The annual numbers have been estimated at around 320 outside the EU and another 250 within the EU. It is estimated that another 400-500 unrepresented citizens are issued annually national ETDs by the Member States not using the EU ETD. However, the figures concerning EU ETDs are fragmentary and probably underestimated, as currently not all Member States collect precise data on EU ETDs.

4 According to the 2017 EU Citizenship Report (COM (2017) 30 final/2), the "*issuance of emergency travel documents is in practice the most frequent form of assistance given by the MSs to unrepresented EU citizens (more than 60% of all cases)*".

European citizens can thus rely in third countries on the protection deriving from their status as European citizens. This right is an expression of EU solidarity and of the identity of the European Union in third countries, as well as one of the practical benefits of being an EU citizen. It fully aligns with the priorities of the Commission of bringing the EU closer to its citizens.

Twenty years on, as the evaluation report accompanying this Impact Assessment shows, there is **fragmentation** amongst EU Member States in the application of Decision 96/409/CFSP by the Member States. Furthermore, important changes that have taken place since 1996 in the **EU acquis on unrepresented citizens' right to consular protection** and the global **security** environment, including improvements to the security of travel documents, are not reflected in this Decision.

This Impact Assessment assesses possible policy options to address the difficulties unrepresented citizens face when exercising their right to consular protection in the area of emergency travel documents. It is based on the findings of an external study, public and stakeholder consultations and other sources.

Political context

The EU common format emergency travel document was established by Member States in 1996 both to provide genuine help to unrepresented EU citizens in distress and to demonstrate the practical benefits of being a citizen of the Union. The EU ETD adds an external dimension to the concept of Union citizenship and strengthens the idea of European solidarity and the identity of the Union in third countries.

On 18 January 2011, the Council invited the European Commission to make a proposal for a new European ETD containing security features in line with current practices.

In 2012, in its communication *Consular protection for EU citizens in third countries: State of play and way forward*[5], the Commission acknowledged that consideration should be given to a possible update of the format of ETDs.

In parallel, the International Civil Aviation Organisation (www.icao.int) worked on *Guidance on Emergency Travel Documents*[6], including principles for recommended practice. The Guidance was published in May 2016 containing an explicit reference to the EU ETD[7].

During their presidencies of the Council, both Lithuania and Luxemburg initiated work in the Competent Working Group of the Council (COCON) regarding the EU ETDs.

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5 COM(2011) 149 final.

6 Available at: https://www.icao.int/Security/mrtd/Downloads/Guidance%20Material/Guidance%20on%20Emergency%20Travel%20Documents%20May%202016%20final.pdf

7 The Commission followed actively the work of ICAO on ETDs as it does for all documents relevant for the European Union.

More recently, in its Communication entitled "*Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders"*, the Commission committed to "*by December 2016, adopt an Action Plan on document security, as well as to explore enhanced security features for Emergency Travel Documents"*[8]. By enhancing the security features of the EU ETD, the risk of counterfeiting and forgery would be reduced, thereby combating fraud as well as the misuse of travel documents. In turn, this should support the fight against terrorism and organised crime. On 8 December 2016, The Commission published the "*Action plan to strengthen the European response to travel document fraud*"[9]. On the basis of the Action plan, the Council adopted, in March 2017, Council Conclusions highlighting the crucial importance of secured travel and identity documents and called the Commission to ensure appropriate follow-up[10].

In the 2017 Citizenship Report[11], the Commission committed to "*in 2017 assess how to modernise the rules on emergency travel documents for unrepresented EU citizens, including the security features of the EU common format, to guarantee that citizens can effectively exercise their right to consular protection*".

On this basis, the Council adopted in May 2017 Council Conclusions highlighting the importance of secured travel and identity documents and called the commission to ensure appropriate follow-up. The Council in its Conclusions[12] adopted in June 2017 on the 2017 Citizenship Report invited the Commission to "strengthen the security of citizens through continuing to support implementation of the European Agenda on Security and to improve where necessary the security of identity, residence and travel documents."

The European Parliament in its resolution[13] adopted at the end of 2017 on the 2017 Citizenship Report called on the Commission "to make a proposal for a new, more secure format for an EU emergency travel document for unrepresented EU citizens outside the EU whose passport has been stolen, lost, destroyed or is temporarily unavailable, in order to guarantee that they can return home safely."

The Commission has announced in its work programme for 2018 that it would consider a proposal for a Council Directive to replace the Decision on the establishment of an emergency travel document.

Legal context

The existing applicable legal instrument is the Decision of the Representatives of the Governments of the Member States meeting within the Council of 25 June 1996 (Decision

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8 COM (2016) 602 final.
9 COM(2016) 790 final.
10 Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud, 7696/17.
11 Available at: http://europa.eu/rapid/press-release_IP-17-118_en.htm
12 Council Conclusions on the EU Citizenship Report 2017, 8028/1/17 REV 1.
13 European Parliament resolution of 12 December 2017 on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change (2017/2069(INI)).

96/409/CFSP) on the establishment of an emergency travel document, which defines the common format for such EU ETDs, the circumstances under which they should be issued and their security features.

This Decision was adopted under the legal regime prior to the Lisbon Treaty, where Member States had to establish among themselves the necessary rules to ensure equal treatment on consular protection. Two succinct sui generis decisions were adopted, the one on ETDs and Decision 95/535/EC on consular protection, which has since been repealed and replaced by the Directive on consular protection adopted in 2015 on the basis of Article 23 TFEU.

The Treaty of Lisbon abandoned the previous logic of intergovernmental sui generis decision-making and empowered the Commission to initiate legislation on the coordination and cooperation measures necessary to facilitate the right to equal treatment on consular protection. The Treaty took into account the increased need for a European dimension for consular protection by reinforcing and clarifying the capacity of the Union to act. By doing so, it reinforced the status of Union citizenship and strengthened the rights derived from it. Article 23 TFEU now provides for the adoption of directives establishing the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union.

Article 23 TFEU confers to the Commission the right to initiate legislative proposals, i.e. directives establishing cooperation and coordination measures necessary to facilitate the right to consular protection for unrepresented EU citizens. Such legislative proposals are, following consultation of the European Parliament, subject to qualified majority voting in the Council.

Furthermore, the right to protection by consular and diplomatic authorities as enshrined in Article 23 TFEU is subject to judicial review. The provisions of Part Two of the TFEU are under full review of the European Court of Justice. Also national courts have to apply Article 23 TFEU as any other provision of Union law[14].

In this context the Council approved on 20 April 2015 a Directive "on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries" (the Consular Protection Directive)[15], which lays down the coordination and cooperation measures necessary to facilitate the exercise of the right of EU citizens to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that Member State.

The Consular Protection Directive provides a general framework of coordination and cooperation measures applicable to all types of assistance provided by the Member States to unrepresented citizens in third countries. Article 9 of the Directive expressly mentions among

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14 See COM(2011) 149 final.

15 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.

the types of assistance included in the scope of consular protection the *need for emergency travel documents as provided for in Decision 96/409/CFSP*.

The Consular Protection Directive shall be transposed by 1 May 2018. Any update of the *Decision 96/409/CFSP* in the form of a new Directive would therefore particularise and complement the Consular Protection Directive concerning consular protection by means of an EU ETD.

Finally, in line with Article 35 of the Treaty on the European Union and as reflected in the Directive on consular protection, Union delegations, in close cooperation with the diplomatic and consular missions of the Member States, contribute to the implementation of the right of union citizens to consular protection[16].

2. PROBLEM DEFINITION

1.1. What are the problems and their drivers?

This Impact Assessment has been undertaken following the request of the Council to the Commission to "make a proposal for the production of a new European Emergency Travel Document that contains security features in line with current practices, updating the features described in Decision 96/409/CFSP"[17]. More recently, in 2017, the Council adopted two set of Council Conclusions recognising the importance of secured travel and identity documents and calling on the Commission to ensure proper follow-up[18]. This request was recently echoed by the European Parliament in its Resolution on the 2017 EU citizenship report[19].

In line with the case-law of the Court of Justice, citizenship of the Union should be the fundamental status of EU citizens when exercising their rights under the Treaties. Citizens should be able to make use of their rights with legal certainty. This is not the case currently, since Decision 96/409/CFSP, as an inter-governmental **Decision**, **is not enforceable and does not allow the Commission to perform its role of monitoring and instigating an action** against Member States for breaching the rules if necessary. In addition, the wording of the very short Decision is ambiguous on the scope of the legal obligation for Member States to make use of the common format.

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16 As referred to in Article 20(2)(c) of the Treaty on the Functioning of the European Union and of the measures adopted pursuant to Article 23 of that Treaty.

17 http://data.consilium.europa.eu/doc/document/ST-5287-2011-INIT/en/pdf

18 Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud, 7696/17 and Council Conclusions on the EU Citizenship Report 2017, 8028/1/17 REV 1.

19 European Parliament resolution of 12 December 2017 on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0487&language=EN&ring=A8-2017-0385

Box 2-1: Lack of enforceability

JG, an EU citizen of Member State A was attacked and robbed on her first day of holiday in third country B, where her Member State is not represented. Amongst her stolen possessions were her passport and ID card. She called Member State A's nearest representation abroad to ask for assistance, but was told to call the embassy of another neighbouring country. With no response from them, she turned to her family for help. She was told to contact a certain EU Member State's embassy which should provide consular protection, but was denied any assistance. She then tried another 6 embassies and consulates in order to obtain an ETD – alas without success. She then again called her own Member State's representation in a neighbouring country and spoke with a member of staff that facilitated the procedure by directly contacting one of the embassies in third country B that JG had already turned to. (Report by a citizen submitted during the public consultation)

Neither the Commission nor the Court of Justice is empowered to enforce the specific provisions of Decision 96/409/CFSP. At the same time, the Commission and the Court of Justice are competent as regards the Treaty provisions on consular protection and the Consular Protection Directive that will enter into application in May 2018. This creates issues of legal uncertainty.

Overall, the evaluation found that the issuance of EU ETDs has been effective in providing genuine help to EU citizens in distress in third countries and provided a practical demonstration of the benefits of EU citizenship. EU ETDs are expected to remain relevant in the future. However, there is room to improve the implementation of the EU ETD Decision, to ensure its consistency with the Consular Protection Directive, which will enter into application very soon, and to improve the security of the EU ETD format in a context of changing security needs. This impact assessment addresses the key problems identified by the evaluation, which are outlined and elaborated below.

The evaluation conducted has revealed a **fragmented approach** regarding the use of EU ETDs, lacking the necessary clarity for citizens and stakeholders. Three Member States are not issuing the EU ETD due to **concerns regarding its security features**. The problem of non-issuance is aggravated because the three countries in question (UK, Germany and France) are the Member States with the highest level of consular representation in third countries. Instead of using the harmonised EU format, these countries issue national ETDs, arguing that their security features surpass those of the EU ETD[20].

Another issue is the security of the documents used. Document fraud is seen as an enabler of terrorism and organised crime, and is linked to the trafficking of human beings and migrant smuggling[21]. However, the evaluation has revealed that very limited information and data are being gathered by national and international authorities on forgery of the EU ETD.

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20 National ETDs of other Member States have largely similar security features to those of the EU ETD.

21 COM (2016) 790 final.

Consultation with the Member States competent authorities, Interpol, Frontex and border police[22] seems to suggest that at the moment the problem remains limited in scope, although this may be due to the low numbers of EU ETD issued annually in comparison with emergency and non-emergency passports. However, recent discoveries (see box below), developments regarding other travel documents, including ID cards, and recently published international guidance by the ICAO give cause for concern that the EU ETD, in its current form, does not have a sufficient level of security features. The current format ETD has indeed little protection against fraud and counterfeits.

Box 2-2: EU ETD and counterfeit passports

Since July 2017, EU Member States authorities have discovered a few counterfeited ePassports allegedly issued by other EU Member States containing a paper watermark that appears to be the same as the one used in EU Emergency Travel Document. The investigation is ongoing, but it demonstrates that the 'weak link' of ETDs may have already been targeted by criminal networks trafficking in false documents and that the security features should be increased. (Report by a Member State)

Therefore, **improving security features** is not only important for meeting the standards expected by the Member States, but will also enhance the future-proofing of the document and contribute to the wider goal of EU security, as EU ETDs can be used by a European citizen to travel to his or her country of origin, his or her country of permanent residence or exceptionally to another destination.

Apart from lack of enforceability, other areas generating **legal uncertainty** are inconsistencies between the EU ETD Decision and the Consular Protection Directive, which explicitly refers to EU ETDs as a type of consular assistance provided to unrepresented citizens. These inconsistencies include key concepts such as “absence of representation” and Member State “clearance”.

Under the Consular Protection Directive, **absence of representation** has been further defined to ensure "the effectiveness of the right of unrepresented citizens to be protected by another Member State's embassy or consulate in a non-discriminatory way, taking into account the circumstances of each particular case." According to the Directive, a European citizen is unrepresented in a third country even if their Member State of nationality is locally represented, but is unable for any reason to provide the protection. The Directive states that when establishing the absence of representation, "accessibility and proximity" should be taken into consideration, so that large geographical distances or poor transport connections within some third countries can be taken into account.

Decision 96/409/CFSP, for its part, refers exclusively to “citizens of the Union in places where those citizens"’ Member State of origin has no permanent diplomatic or consular

[22] Based on seventeen responses; although it is known that Member States' competent authorities answering the survey have also consulted internally with their border force authorities.

representation" and its Annex II to the absence of "accessible diplomatic or consular representation with the capacity to issue a travel document or, where that State is not otherwise represented". The wording is not completely aligned and could therefore lead to situations where an EU citizen could invoke certain rights on the basis of the Consular Protection Directive but could not rely on the EU ETD Decision in the same context.

Box 2-3: Absence of representation

A Hungarian national was unable to get an ETD after losing his passport in the Southern province of Guangdong of the People's Republic of China, where Hungary does not have consular presence. Missions of Members States there either do not issue ETD at all or they considered the Hungarian as having a representation in China. (Report by a citizen)

The Consular Protection Directive also does away with the need for **prior agreement** of the unrepresented citizen's Member State of nationality before consular assistance can be provided. It stipulates that the assisting Member State shall consult the Member State of nationality to inform it of the situation and verify the identity of the citizen. The Member State of nationality is obliged to provide this information or transfer the case and deliver consular assistance directly. The lack of prior agreement is not considered a legitimate reason for the assisting Member State to deny assistance. For its part, the EU ETD Decision imposes the obligation for the assisting Member State to obtain "clearance" from the Member State of nationality before providing assistance, and does not specify the obligation of the Member State of nationality to provide the requested information.

The Consular Protection Directive stipulates that contacts and communication between Member States concerning consular assistance for unrepresented citizens should take place "without delay". However, the evaluation has discovered a wide range of processing times by the Member States for issuing and providing clearance for an EU ETD, from a couple of hours to several weeks. Although exceptional cases must be taken into account, there seems to be **a lack of clear target deadlines** which would ensure that the unrepresented citizen is provided with assistance in a reasonable time.

Box 2-4: Lack of deadlines

A Bulgarian citizen was on holiday with her 17-year-old daughter in Thailand when her hand bag, containing the passports, credit cards and cash, was stolen, losing. She went to the police station in Bangkok, to the 'tourist police' department and requested a copy of the passport from the hotel. There is no embassy of Bulgaria in Bangkok, so she was recommended another EU embassy…. At the beginning the embassy denied issuing an ETD for the 17-year-old daughter and asked for her father's approval. But after explaining the emergency situation the embassy agreed to provide her with an ETD as well. Although she was told it would take 3-4 business days, in reality it took 10-12 days. (Report by a citizen)

The EU ETD Decision still provides for a **cumbersome and outdated procedure,** which obliges the citizen applying for an EU ETDs to send a filled-in application and certified true copies to "an authority designated to that effect of the applicant's Member State of origin". In the Consular Protection Directive, the responsibility is not on the citizen, but on the Member States to communicate directly and arrange for transfer of any required information.

Furthermore, there are **financial provisions** in the EU ETD Decision that are less favourable to citizens when compared to the Directive. According to the EU ETD Decision, a Member State can require the unrepresented citizen to pay the same fees as it would levy its own citizens for issuing an emergency passport. Under the Consular Protection Directive, and in line with Treaty provisions, the unrepresented citizens should undertake to repay only those costs that would have to be borne by nationals of the assisting Member State under the same conditions. This would equate to the cost of a national ETD, which normally costs less than an emergency passport. Similarly, the Consular Protection Directive provides for situations in which the citizen does not have the financial means to cover the issuance fee and regulates the reimbursement procedure between the assisting and the Member State of nationality. This is currently not adequately covered in the EU ETD Decision.

The evaluation conducted for the Impact Assessment has also shown that, in practice, **EU ETDs are currently issued by the Member States in a number of situations not listed in the Decision,** which refers to travel documents being “lost, stolen or destroyed” or “temporary unavailable”. These cases include issuing EU ETDs to new-born babies or in cases of expired passports. This discrepancy also leads to legal uncertainty.

Another aspect that could benefit from enhanced legal clarity relates to the **use of the EU ETD outside the scope** of the Decision. While the scope of the EU ETD Decision is limited to consular protection of unrepresented citizens in third countries, several Member States issue the EU ETD to unrepresented citizens within the EU (e.g. Austria, Estonia, Spain, Hungary, Italy, Malta, Latvia, and Sweden) and one Member State (Italy) issues it also to its own citizens.

Finally, the evaluation has revealed problems with regard to the **acceptance and recognisability of the EU ETD** by third countries, and sometimes also by EU border guards when crossing the EU external borders. As reported by some Member States, using different documents (EU ETD or a national ETD) creates confusion, and if a non-national travels with a national ETD, this may even create suspicion regarding the authenticity of the document. This is especially the case when the national ETD is not actually foreseen to be used by non-nationals, and therefore when used in this way, the indication of nationality must be modified by hand. Some third countries, such as the USA, require entry visas, which currently cannot be attached to the EU ETD due to the lack of blank pages. Member State consulates sometimes have to provide supporting letters explaining the EU ETD to border guards or accompany the citizen to the airport. Several Member States also recommend to citizens that they avoid transiting through certain third countries.

Other third countries lack adequate specimens that would allow them to recognise the EU ETD format. Although specimens have been sent in the past by the EU on an ad-hoc basis, the

EU ETD Decision does not specify the responsible institution for providing the EU ETD specimens and ensuring their recognition world-wide.

2.2 How will the problem evolve?

The number of citizens in need of an EU ETD are expected to increase[23]. In 2015, there were 4.3 million EU citizens that were unrepresented when travelling abroad[24]. Precise numbers of unrepresented EU citizens travelling and living abroad (for professional or family reasons, holidays, studies etc.) are hard to obtain (as statistics are seldom gathered by Member States), but the evaluation report noted that citizens residing abroad could range from 1.1 million to 2.7 million, based on literature review findings and consultation[25]. For citizens, consular assistance through the provision of ETDs will continue to be relevant in the future, especially given that the number of EU citizens travelling to third countries is increasing (see Box 2-2).

The provision of ETDs is already the most common type of consular assistance provided to EU citizens (around 65% of all cases) and Member States are expecting this to remain the case for the foreseeable future. Indeed, no Member State that participated in the survey undertaken for evaluation expected a fall in the number of ETDs required for their own citizens[26]. Furthermore, a significant number of Member States also expects that there will be more citizens of other Member States turning to their consulates for EU ETDs.

It should be stressed however that the EU ETD by its very nature is not a frequently issued document and therefore any problems in its application will affect a limited yet increasing number of people directly. However, the level of impact on these citizens is significant. Being stranded in a foreign, often far away country without identity document and a possibility to return home is a precarious situation by any measure, producing both psychological distress and potentially significant economic cost

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23 The Commission has launched information awareness activities to better inform European citizens about this right which is not sufficiently known. See 2017 EU citizenship report, available at: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51132

24 This is based on data on the level of representation for 2017 as provided by the EEAS, but the travel data are from the UNWTO and are based on 2015 statistics, as more recent data are not currently available. However, the level of representation between 2015 and 2017 has changed little.

25 Numbers could not be reliably estimated. Different sources include: GHK (2011): Study on the Impact Assessment on Improving Financial Compensation of Consular Protection in Crisis Situations, a study for DG Justice (2017): 2017 Citizenship Report (EC, 2017). Consultation for the evaluation report has revealed significantly lower numbers.

26 Evaluation report, section 5.

Box 2-5: Tourism trends[27]

As the World Travel Monitor® results for the first eight months of 2016 made clear, worldwide outbound travel continues to grow despite terror attacks and political unrest. European outbound travel grew by 2.5%, with growth from the UK by 6% and Germany by 4%.

In 2016, three countries moved up in the Top 10 ranking by international tourist arrivals (overnight visitors), China, Mexico and Thailand. Most notably, Thailand moved up one place in arrivals to 9th position (33 million). Currently, 21 Member States have representation in Thailand (based on information provided by the EEAS, 2017) and seven Member States do not (Bulgaria, Cyprus, Estonia, Croatia, Latvia, Malta and Slovenia).

According to UNWTO's long-term forecast report *Tourism Towards 2030,* international tourist arrivals worldwide are expected to increase by 3.3% a year between 2010 and 2030 to reach 1.8 billion by 2030. Between 2010 and 2030, arrivals in emerging destinations (+4.4% a year) are expected to increase at twice the rate of those in advanced economies (+2.2% a year).

Without changes to the EU ETD Decision, the Commission will remain unable to enforce the specific provisions in case of breach of its content by Member States. The Court of Justice will have no competence to intervene. The inconsistencies outlined in the previous section between the EU ETD Decision and the Consular Protection Directive, which will enter into application shortly, may cause additional conflicts.

The inconsistent security features in documents will continue to raise security and border management related issues. Without regular updating, the current format is likely to become more attractive to forgers, especially as the security of other travel documents is gradually increased and they become harder to falsify. This situation, besides posing a security threat in its own right, is likely to lead to EU Member States further abandoning the use of the harmonised format. For the same reasons, it is likely that fewer third countries will recognise the format in the future. This will result in a lack of recognition and denial of entry/transit at borders or denial of boarding aircrafts, with costs implications for citizens and, potentially, insurance companies and carriers.

This security threat is potentially aggravated by the fact that the Commission is taking initiatives in related areas, such as to improve the security of ID cards and residence documents[28], which could leave the EU ETD as the "weak link" in terms of document security.

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27 IPK (2017): ITB world travel trends report 2016 / 2017, prepared by IPK international on behalf of ITB berlin, https://www.itb-berlin.de/media/itb/itb_dl_all/itb_presse_all/World_Travel_Trends_Report_2016_2017.pdf
UNWTO (2017): Tourism highlights, available at: https://www.unwto.org/doi/pdf/10.18111/9789284419029

28 COM(2017) 30 final/2.

Finally, without a clear role given to a single entity to provide specimens of EU ETD to third countries and to promote acceptance of the document, there is a real risk that this will have a negative impact on the acceptance of the document over time.

3. WHY SHOULD THE EU ACT?

3.1 Legal basis

The Treaties provide for the necessary legal basis for the initiative. In particular, the EU's competence to adopt legislation on consular protection for unrepresented EU citizens is conferred by Article 23(2) of the Treaty on the Functioning of the European Union. According to the Article, the Council may adopt directives establishing the coordination and cooperation measures necessary to facilitate protection for unrepresented EU citizens.

3.2 Subsidiarity: Necessity of EU action

The EU is better placed than individual Member States to act given the following factors:

1. In view of the existence of a European format governing ETD, adaptions and changes to the common format can only be carried out at the EU level.
2. In view of the new legal regime created by the Lisbon Treaty, any reform of the CFSP Decision can only be undertaken in the form of EU legislation based on Article 23(2) TFEU. Member States are precluded from adopting further substantial intergovernmental measures.
3. Member States have established a different interpretation of the EU ETD Decision.
4. There is a necessity to ensure the smooth articulation and alignment the EU ETD Decision with the provisions of the Consular Protection Directive, which provides a general framework of coordination and cooperation measures applicable to all types of assistance provided by the Member States to unrepresented citizens in third countries.
5. Assistance for unrepresented EU citizens entails a cross-border dimension, extending the rights granted by EU citizenship beyond the Union's borders. This right illustrates the concrete benefits connected with the status of EU citizenship.

3.3 Subsidiarity: Added value of EU action

A more secure EU ETD would contribute to the overall security of the EU by addressing the 'weak link' among the travel documents allowed for entry into the Union. These documents allow entering any EU border and therefore only a common action by all the Member States can close such 'weak links'.

Increased security features would also contribute to ending fragmentation among the EU Member States in the issuance of the EU ETD and increasing recognition by third countries. This would reduce the risk of citizens being denied access to aircraft or transit through third countries, allowing them to return to their homes or other destinations hassle free, thus providing relief in stressful situations. This would represent to citizens a clear benefit of EU citizenship and solidarity among the EU's Member States.

EU action under the Lisbon Treaty would also allow for effective monitoring of implementation and facilitate enforcement, as for any proposed EU legal measures the full spectrum of enforcement mechanisms would apply (e.g. the duty to transpose a directive into national law, references for preliminary rulings, infringement proceedings for failure to implement requirements, etc.).

Finally, economies of scale would also arise in relation to production costs and awareness-raising among citizens.

4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1 General objectives

The overarching objectives of the action are as follows:

- To strengthen EU citizenship by facilitating unrepresented EU citizens' right to equal treatment on consular protection in the area of emergency travel documents;
- To improve security within the EU and its borders by improving the security of the emergency travel document itself as well as the process through which it is granted.

4.2 Specific objectives

The specific objectives of the action are:

- To increase legal certainty by making the EU ETD legislation enforceable and by aligning it with the current acquis on citizenship rights (including the Consular Protection Directive);
- To enhance document security and reduce the risk of document fraud, in line with trends and existing policies on improving document security[29];
- To simplify the conditions and formalities for issuing the EU ETD, for both citizens and consular staff, and to improve coordination and cooperation measures between the Member States;
- To improve acceptance of EU ETDs, thus minimising the risk of citizens being refused exit from third countries or denied entry in the European Union and allowing them to continue travelling to their destination.

[29] COM (2016) 790 final.

5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1 What is the baseline from which options are assessed?

The baseline was described in the evaluation report. In a nutshell, the evaluation report revealed a plethora of existing approaches for providing consular assistance in the shape of ETDs and identified that this had led to a number of problems that need addressing (as explained in Section 2). The figure below sets out the intervention logic, namely the problems with the existing Decision, their drivers, the objectives of further intervention and the options for achieving these objectives.

5.2 Description of the policy options

Three principal policy options are considered:

- Policy Option 1: Status quo;
- Policy Option 2: New legislation – EU ETD with enhanced security features
- Policy Option 3: New legislation – EU ETD with biometric chip

The policy options chiefly differ in terms of the security features proposed. This emphasis has two reasons: Increased security is an express request of the Member States and has been highlighted by the Commission in its *Action plan to strengthen the European response to travel document fraud.* The Council and European Parliament, when calling on the Commission to present a legal initiative on ETDs, placed primary importance on increasing the document's security features. As part of the consultations for the Impact Assessment, Member States have emphasised the security dimension. Secondly, the need to properly align any measure adopted with the existing legal framework of the Consular Protection Directive limits the policy options available in order to ensure consistency and legal certainty for Member States and citizens.

The options are described in further detail below.

Policy Option 1: Status quo

The first policy option constitutes a baseline scenario and does not involve new actions. The EU ETD Decision would remain in force in the same way as it is now. This Option is thus only presented as a benchmark.

The problems identified in Section 2 would continue to exist and, as discussed in Section 3, could be expected to increase over time, leading to increased fragmentation amongst EU Member States, security issues and legal uncertainty.

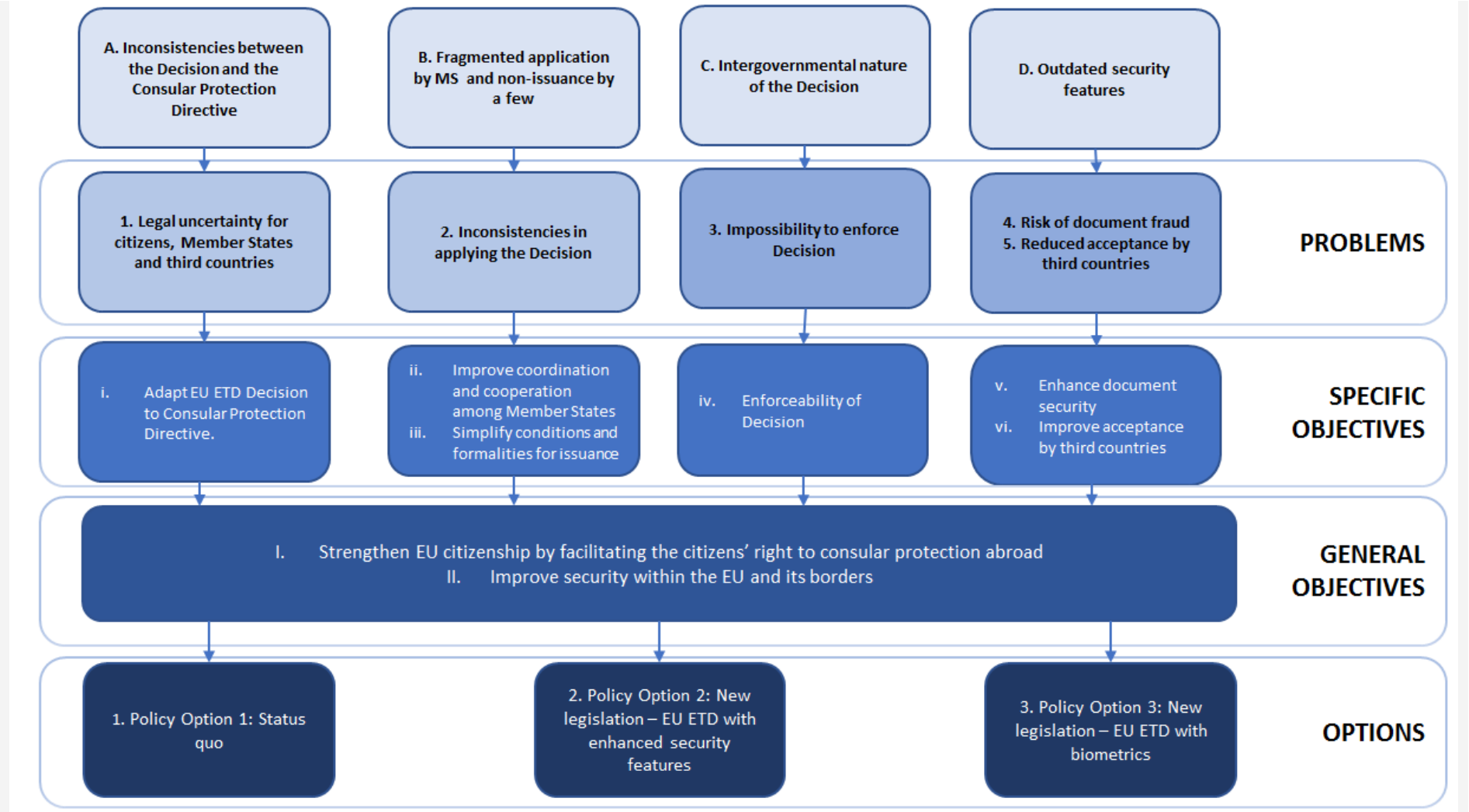


Figure 5-1: Intervention logic of Options (ETDs)

Policy Option 2: New legislation - EU ETD with enhanced security features

This Option would provide for the EU ETD Decision to be repealed and a new Directive to be adopted. Under this new Directive:

- The use of the harmonised EU ETD format is compulsory for unrepresented citizens outside the EU. The use of the EU ETD inside the EU or for represented citizens is allowed and the Member States can make use of this facility;
- The new Directive will complement the Consular Protection Directive, aligning their content in all relevant aspects;
- The new format will have improved security features (described below)
- There will improvements to the security of the issuing process, including rules concerning how to dispose of the document once its holder has reached their destination;
- A comitology procedure, aligned with existing ones, will be established to specify necessary further technical specifications for the uniform format for EU ETDs;
- Pricing will be aligned with the fees charged by Member States' to their own nationals;
- The validity of the EU ETD will be harmonised; it will be issued for a single journey which would not exceed 15 days (unless special circumstances would warrant longer validity).
- Soft measures to assist the implementation would be discussed and addressed as part of the existing Commission Expert Group on the right of unrepresented citizens to consular protection abroad (based on Article 23 TFEU and Directive 2015/637/EC).

Legal aspects

The use of the EU ETD would be made compulsory for unrepresented citizens outside the EU. Member States would be obliged to issue an EU ETD following a request from an unrepresented citizen that fulfils the legal conditions[30]. This would end the currently observed **fragmentation** among EU Member States in the provision of the EU emergency travel document and thus contribute to increased **acceptance** of the document.

At the same time, the new Directive would leave open the possibility for Member States to decide to use the EU ETD also for their own citizens or to issue it inside the EU (to both represented and unrepresented citizens). The Directive would also make it possible for Member States to issue EU ETDs to accompanying family members of unrepresented citizens, who are not themselves citizens of the Union, in accordance with the principles set out in the Consular Protection Directive. Whilst the Consular Protection Directive recognises that Member States might not be in a position to deliver emergency travel documents to third-

[30] See the conditions provided for in the Consular Protection Directive.

country family members, Member States could be encouraged to do so in order to allow the EU citizen to benefit fully from his or her right to equal treatment on consular protection.

In order to address observed issues of **legal certainty**, the new Directive would also align in all relevant aspects with the Consular Protection Directive. In particular, this would include the concepts of absence of representation and the process of confirming the applicant's nationality. Furthermore, it would codify present practice to include situations when passports have expired and cases of new-born babies.

The Treaty principle of non-discrimination would also apply for pricing (as discussed below under Pricing), and specific provisions would regulate the cooperation between Member States, which would be obliged to communicate directly and act without delay when issuing the document (as discussed below under Cooperation and Coordination).

The new legal instrument would equally provide for a specific role for the European External Action Service in providing specimens of the document to third countries authorities and promoting its **acceptance**. Another way to achieve this is through consular clauses in EU cooperation agreements with third countries. These clauses guarantee that third countries recognise the rights of unrepresented EU citizens to consular protection by other Member States.

The new legal instrument would be **enforceable** and the Commission would be able to perform its role of monitoring and instigating an action against Member States for breaching the rules if necessary. The Court of Justice would have full jurisdiction on the specific provisions of the Directive.

Security aspects

Under Option 2, the security features of the EU ETD would be improved in order to address issues of acceptance as well as security and border management concerns. These improvements would address the emphasis on greater security features expressed by the Council and the European Parliament. In particular, enhanced security is meant to address concerns raised by some Member States concerning the current system.

The security features proposed under Option 2 are modelled on the response of the Member States to the survey and interviews conducted in the preparatory work for the Impact Assessment[31]. Table 5-2 summarises the security features proposed for this Option.

[31] See Evaluation report, section 5, for further information.

Table 5-2: Options for EU ETD and different elements		
Element		**Comments**
Format	**A5, with a blank page for visas**.	Although originally A4 was considered, this raised the issue of proper handling against normal wear and tear. A5 format would allow for the document to be folded and carried in a pocket. Inclusion of a blank page would allow for a national visa of a country in transit to be affixed, as the evaluation demonstrated this need (not the least in relation to transit through the USA)
Security elements		
Physical	**ETD form** – The A5 ETD form is the carrier for the ETD sticker described below. This form shall be made of a security substrate stiff enough for holding the ETD sticker and include watermark(s)/ UV fluorescent fibres and reagents. The printing should combine different security printing techniques such as intaglio and offset, and should include guilloche patterns, anti-scanner background and micro lettering. Furthermore, it should use security inks, like UV fluorescent. The ETD form shall be pre numbered including linking it to the ETD sticker. **ETD sticker** – The ETD sticker will be affixed onto the ETD form. This sticker will be modelled upon the new uniform format for visas and shall contain equivalent security features. It will consist of the visual identification zone (eye readable) containing the photo and other personal data of the	It is recommended to digitally sign the ETD document. The information on the sticker would include: - Issuing Member State - Member State of nationality of the citizen - Surname/Name - Date and place of Birth - Date of expiry - Date of issue - Registration number (equal to the number on the EU ETD format)

	bearer (see column to the right), and the machine-readable zone at the bottom for automated reading of the biographic data.	
Electronic	Two dimensional barcode, which would contain biographical and other data from the sticker. A 16x16mm^2 2D barcode is considered large enough for data and signature. This digital 'seal' would be similar to the one left optional for the new uniform format for visas[32].	It requires a certain infrastructure operational under a controlled environment[33]. Not all EU consulates are equipped with such infrastructure, which is the reason it is still not used for the new uniform format for visas. However, once the infrastructure becomes available for issuing the new uniform format for visas, its use would be easily extended for the ETD stickers.
Personalization/ Data entry		
Printing technique	The ETD sticker will be personalized in the consulate using the same printers as for the uniform format for visas.	EU consulates are equipped with printers for issuing the uniform format for visas.
Photo	Photos should be taken live at the consulates and printed onto the sticker. Only in exceptional circumstances (natural/ massive disasters; system breakdown) should photos be handed over by the bearer.	It is highly recommended to take live-photos in/by the consulates. Many consulates are equipped with digital cameras and this would increase security of the document and simplify the formalities for the citizen.

32 Annex to Regulation (EU) 2017/1370 of 4 July 2017 amending Council Regulation (EC) No 1683/95 laying down a uniform format for visas set out the format. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1370&from=EN

33 In order to compute the signature, the consulate or embassy would connect to a Public Key Infrastructure (PKI) signing authority, which is a system that holds the key to compute the signature and publish the certificate. An internet connection would therefore need to be available to issue the document with the digital signature. The PKI required would be similar to the one currently used to issue ePassports and the one proposed for the Visa Schengen.

The proposed new security features represent an improvement on the current format and can be delivered using the **existing equipment** already available in the Member States consulates (tasked with issuing visas to third-country nationals[34]). A notable improvement is the introduction of an ETD sticker, modelled on the existing uniform format for visas. The ETD sticker would be affixed onto the ETD document instead of entering the personal data by printer and attaching a photo separately, as it is currently done. The ETD sticker would have the same format and equivalent security features as the uniform format for visas. It would include a printed photo of the person, their biographic data and a machine-readable zone at the bottom with the same biographic data.

There are several advantages to such an approach. Firstly, using equivalent security features to the ones in the uniform format for visas would greatly increase reliability and security of the ETD. Secondly, the machine readability would facilitate the checking and processing of the document at the border. Thirdly, the handling of the ETD sticker would be easier for the consular staff that is already trained and familiar with the uniform format for visas.

The new EU ETD sticker would leave empty space for the likely future inclusion of a common 2D barcode, which would provide additional security to the document. The 2D barcode has not been made compulsory in the new uniform format for visas, but similarly an empty space was left for its possible inclusion in the future. Given that the number of EU ETDs issued annually is much smaller than the number of issued uniform format visas, there is no business case for introducing the system only for EU ETDs. However, as the consulates become progressively better equipped with technology capable of delivering this feature for visas, the 2D barcodes could easily be added to the EU ETDs.

The new EU ETD format would also include a blank page for a **national visa of a country in transit** to be affixed, as the stakeholder consultation demonstrated this need (not the least in relation to transit through the USA).

In order to increase security and speed of the **issuing process**, the photo of the citizen would be taken live at the consulate by digital camera or equivalent means. The same photo should be transmitted to the Member State of nationality for the confirmation of the citizen's nationality[35]. Furthermore, the communication would the place directly between the assisting Member State and the Member state of nationality, securing and authenticating the exchanged information.

Finally, there will be rules concerning **how to dispose of the document** once its holder has reached their destination (for example by obliging the holder to return it when applying for a

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[34] Article 4 of the Visa Code, consolidated version available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009R0810-20160412

[35] The use and transmission of the photograph is justified in this case as the person in question has no other available identity document (e.g., passport or ID card) to confirm their identity. The Member State of nationality, as is standard practice, uses the photo of the person as one of the key elements in confirming the citizen's identity. Transmission of the photograph must be done through formal and secure channels and in full respect of EU and national data protection rules.

regular passport). Proper disposal of the expired EU ETD is important to increase overall security of the document.

A comitology procedure, aligned with existing ones, especially the one on the visa sticker[36], will be established to specify necessary further technical specifications for the uniform format for EU ETDs including enhanced anti-forgery, counterfeiting and falsification standards and technical standards and methods to be used for the filling in of the EU ETDs and its colours. For security reasons, it will be possible to keep these further technical specifications secret and not to publish them. This Committee will rely on the expertise of Member States experts of the so-called "Article 6 Committee" in charge of technical specifications applicable to visa stickers. The comitology procedure will thus allow for the EU ETD document to benefit from other developments in increased security of other types of travel documents.

Cooperation and coordination

Under Option 2, and in order to ensure **legal consistency**, the new instrument would mainly rely on mechanisms established by the Consular Protection Directive (Chapter 2) while providing additional specifications where necessary. This would entail:

- cooperation and coordination between Member States using the Consular On Line (CoOL) website;
- local cooperation meetings; and
- crisis preparedness and cooperation.

Citizens would no longer be obliged to transmit any documents to their Member State of nationality, but it would be up to the two Member States working on the case to communicate directly among themselves and transmit any needed documents electronically through the Consular On Line (CoOL) website or other formal channels.

The option would also impose some deadlines in terms of exchanges between the Member States, specifying the requirement of the Consular Protection Directive that communication between Member States concerning consular assistance for unrepresented citizens should take place "without delay".

The deadlines would be:

- Notification: the assisting Member State shall inform the Member State of nationality of the case of their unrepresented citizen asking for an EU ETD within 24 hours;
- Confirmation: 36h for the Member State of nationality to confirm the unrepresented citizen’s nationality;
- Next day issuance: the assisting Member State shall provide the unrepresented citizen with EU ETD at the latest the next working day following receipt of the confirmation.

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[36] Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas.

The provision on deadlines would allow for exceptions in cases where longer periods for the treatment of the application can be justified on objective grounds.

Pricing

The cost of the EU ETD for the citizen would be aligned with the Treaty's principle of **non-discrimination** and the Consular Protection Directive. The Directive does not harmonise the price of consular assistance provided to the citizens, but stipulates that the unrepresented citizens cannot be charged more than own nationals. Similarly, under the new legal instrument governing EU ETD, the Member States could not charge more for an EU ETD than they charge to their own citizens for national ETD.

In cases where the citizen does not have the financial means to cover the issuance fee, the reimbursement procedure from the Consular Protection Directive would apply. The citizen would undertake to repay the fee to their Member State of nationality, which would reimburse the fee to the assisting Member State.

Validity

Concerning period of validity, the evaluation report revealed different practices. According to Annex II of the Decision, EU ETDs should be made valid for barely longer than the minimum period required for completion of the journey for which the ETD has been issued. The study survey asked Member States authorities about the duration of the ETD, in days. Although most Member States agree that it should not exceed 30 days, current Member States' practices vary on setting the validity period of the EU ETD.

ICAO Guidance on Emergency Travel Documents[37] notes that issuing Authorities should restrict validity to the minimum period required consistent with the purpose for which the document was issued and in line with the security of the document.

Under Option 2, an EU ETD would be valid for a single return journey, depending on travel arrangements in place, usually not exceeding 15 days. In exceptional circumstances, a Member State should be able to consider extending the validity to cover travel arrangements for the entire return journey.

Policy Option 3: New legislation - EU ETD with biometric chip

This Option would provide for the EU ETD Decision to be repealed and a new Directive to be adopted. Under this new legal instrument governing EU ETDs:

- The use of the harmonised EU ETD format is compulsory for unrepresented citizens outside the EU. The use of the EU ETD inside the EU or for represented citizens is allowed and the Member States can make use of this facility;

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[37] Available at: https://www.icao.int/Security/mrtd/Downloads/Guidance%20Material/Guidance%20on%20Emergency%20Travel%20Documents%20May%202016%20final.pdf

- The new Directive will complement the Consular Protection Directive, aligning their content in all relevant aspects;
- The new format will have new improved security features – biometric chip (described below);
- There will improvements to the security of the issuing process, including rules concerning how to dispose of the document once its holder has reached their destination;
- A comitology procedure, aligned with existing ones (visa stickers, passports etc.) will be established to specify necessary further technical specifications for the uniform format for EU ETDs;
- Pricing will be in line with the non-discrimination clause of Consular Protection Directive (i.e. the EU ETD cannot cost more than similar national document issued to an own national).;
- The validity of the EU ETD will be harmonised; it will be issued for duration of up to 12 months, allowing for continuation of onward journey;
- Soft measures to assist the implementation would be discussed and addressed as part of the existing Commission Expert Group on the right of unrepresented citizens to consular protection abroad (based on Article 23 TFEU and Directive 2015/637/EC).

Legal aspects and coordination and cooperation measures would be the same as under Option 2.

Security aspects

This option differs primarily in introducing the highest possible level of security – **biometric chip** – in the EU ETDs. Biometrics are currently used in some travel documents, for instance in all Member States passports, some national identity cards[38] and also in the European Union laissez-passer.

Biometric documents have an embedded electronic microprocessor chip which contains biometric information that can be used to authenticate the identity of the holder. It uses contactless technology, including a microprocessor chip (computer chip) and antenna (for both power to the chip and communication). Public key infrastructure (PKI) is used to authenticate the data stored electronically in the passport chip, making it expensive and difficult to forge when all security mechanisms are fully and correctly implemented.

Because of the technical requirement, a biometric EU ETD would have to be issued in a booklet format rather than the current the single-sheet A4 paper. Other security features of the

[38] E.g. Belgium, Croatia, Czech Republic, Estonia, Finland, Portugal, the Netherland, Slovenia, Spain and Sweden.

booklet would correspond to those of Member States passports, as described in the Council Regulation (EC) No 2252/2004[39].

To specify necessary technical specifications, a comitology procedure similar to the one outlined for Option 2 would be established.

Pricing

The pricing would be in line with the non-discrimination clause of the Consular Protection Directive (i.e. the EU ETD cannot cost more than similar national document issued to an own national). In view of the biometric features proposed under this Option, this would correspond to the costs for documents with similar biometric features.

The same similar reimbursement system as outlined under Option 2 would be established.

Validity

ICAO Guidance[40] notes that issuing authorities should restrict validity of a document to the minimum period required consistent with the purpose for which it was issued and in line with the security of the document. Taking into account this Guidance, ETDs in booklet form should be issued with an absolute maximum validity of 12 months (including any six months entry and visa requirements)[41], whereas a single sheet ETDs should be issued with a single journey restriction (which can include transit points).

Under this Option, the validity of the EU ETD would be harmonised; it would, taking into account its similarity to the security measures contained in passports, be issued for a duration up to 12 months, allowing for continuation of onward journey.

5.3 Options discarded at an early stage

5.3.1 Soft measures: non legislative measures related to EU ETDs

Consideration was given to the option of introducing soft measures only, such as best practices and guidelines prepared in close cooperation with Member States experts, including in the framework of the Commission's expert group in charge of consular protection.

Although soft measures could help with some practical aspects of implementation (for example by clarifying the use of certain tools for communication or awareness raising measures), they could not address the main identified problems:

- The security format, related to the problems of **fragmentation** and reduced **acceptance**, can only be changed by an update of the Decision and not through soft measures;

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39 Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1–6).

40 Available at: https://www.icao.int/Security/mrtd/Downloads/Guidance%20Material/Guidance%20on%20Emergency%20Travel%20Documents%20May%202016%20final.pdf

41 In order to discourage the user from applying for an ETD rather than a standard, full validity passport.

- **Legal uncertainty** cannot be eliminated through soft measures, as the Decision cannot be adapted to the Consular Protection Directive, made enforceable or legally binding in this way.

Therefore, this option does not appear sufficient to meet the objectives.

However, where possible, soft measures should be put in place to assist the implementation of the preferred option with a view to supporting the smooth implementation of the applicable legal text. In particular, awareness-raising activities should be conducted to inform citizens of the EU ETD and their entitlement to obtain one under certain conditions.

These and other soft measures would be discussed with Member States' experts, including in the framework of the existing Commission Expert Group on the right of unrepresented citizens to consular protection abroad[42].

5.3.2 Revoking the EU ETD Decision

An option that should be considered is the possibility for the EU ETD Decision to be revoked. This option would effectively see EU ETDs disappear and replaced entirely by national ETDs.

The institutions and main stakeholders (Council, European Parliament, Member States and citizens) have expressed the desire to retain and improve the common EU ETD format. During consultations, no Member State stated that it would like the common format to be abolished and to return to the exclusive use of national ETDs. The vast majority of Member States are using the EU ETDs, and many of them also inside the EU. One Member State (Italy) uses it also for its own citizens. Revoking the common EU ETD is likely to **increase fragmentation** and **increase the risk of form shopping** (citizens would seek assistance from the Member State offering the cheapest and/or easiest to obtain national ETD). It would add difficulties for citizens travelling abroad as third country authorities and EU border authorities would be faced with **increased complexity**. Additional training would be necessary to familiarise border guards with the different national ETDs. Furthermore, increased diversity of national ETDs would limit the possibility of saving due to economies of scale (joint training, printing of forms, etc.)

At the same time, when seeking an emergency travel document, unrepresented citizens could face a vast array of different national documents, procedures and deadlines. This approach would make enforcement of citizens' Treaty rights difficult and would not ensure consistency with the Consular Protection Directive.

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[42] The Expert Group on the right of unrepresented citizens to consular protection abroad (Article 23 TFEU and Directive 2015/637/EC) aims at monitoring the development of national policies and enforcement of Directive 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries by national authorities. It also aims to improve coordination with Member States and to promote exchange of views and best practices (http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3355).

Furthermore, the EU ETD is accepted as one of the key visible demonstrations of the practical benefit of EU citizenship and in particular of the unrepresented EU citizens' right to equal treatment on consular protection. From the citizens' perspective, the EU ETD with its name, design and multilingualism represents a travel document that clearly identifies them as European citizens and assists them in third countries pursuant to their EU citizenship right[43].

With national ETDs, this link is not clearly established. The evaluation conducted for this study has shown that problems do occur for unrepresented citizens when travelling on national ETDs (see box below), precisely due to the confusion that a national document issued for a citizen of different nationality may create for border authorities and other concerned entities.

Problems described above are likely to increase would the EU ETD be abolished. As reported by some Member States, using several different documents creates confusion, and if a non-national travels with a national ETD, this may even create suspicion regarding the authenticity of the document. As a result of this confusion, some citizens were asked by third countries to travel to the Member State of their nationality, rather than to other EU destinations. Pursuing this Option could thus pose particular problems to EU citizens residing in another Member State.

Box 5-3: Problems encountered by citizens when travelling on a national ETD

Having lost my passport in Thailand, and being a Spanish person residing fully in the UK was very complex as my consulate could only give me a 'Salvoconducto'. This is a document that enabled me to travel back to Spain but the UK authorities would not accept even though I have lived there for 28 years. Those type of inconsistencies and difficulties should really be removed. (Report by a citizen)

Travelling on a French laissez-passer as a Polish citizen I was refused entry into China and Korea. I was kept in airport in China for 10 hours and airline company refused to accept my ticket. (Report by a citizen)

There are other practical and financial reasons for not favouring this option. Should EU ETDs disappear, Member States that currently do not have single journey national ETDs, but issue their citizens instead with emergency passports, would have to create **new national formats** to replace the EU ETD in order to comply with the legal obligation to offer consular protection to unrepresented EU citizens. The same is true for the one Member State that only uses the EU ETD format. Other Member States that do have national single journey ETDs would have to amend their formats to account for other nationalities.

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[43] Even though only few responses to the open public consultation have been received, they showed that the EU ETD is viewed very positively. **84%** of the respondents believed that the EU ETD provides genuine help to EU citizens in distress. **71%** of the respondents with an opinion felt that countries should always issue EU ETDs rather than national ETDs. **19%** felt that it would be for the country to decide which ETD it wants to issue to citizens.

Apart from raising issues of acceptance and recognisability by third countries and EU border guards, the cost of such national interventions (costs to introduce or adapt national ETDs in addition to the costs of non-harmonised issuing procedure) would thus also greatly outweigh the cost of modernisation of EU ETD.

For the reasons stated above, this Option was discarded.

5.3.3 Compulsory EU ETD for all citizens

An option that should also be considered is the possibility for the new EU ETD to be made compulsory for Member States' own nationals, represented and unrepresented citizens, both inside and outside the EU. This option would effectively see national ETDs disappear and replaced entirely by EU ETDs.

This Impact Assessment reflects the request of the Council to the Commission to make a proposal for the production of a new European Emergency Travel Document that contains security features in line with current practices, updating the features described in EU ETD Decision. This Decision is based on the right to equal treatment on consular protection, which is only enjoyed by unrepresented EU citizens in third countries. Likewise, the Consular Protection Directive, which sets out the general framework for the provision of consular protection, concerns consular protection for such citizens. Making EU ETDs mandatory for all citizens would be beyond the scope of EU citizenship rights and would thus have to be considered under a separate legal basis.

As the study for this impact assessment has shown, Member States issue to their own citizens a broad range of national ETDs, which vary in their formats, level of security features, duration and price. Some Member States issue their citizens with temporary passports, which bring added value in terms of possibility to continue onward journey to third countries.

However, not all Member States consulates or other national agencies have the necessary equipment and technology to allow such best practices to be implemented. Any harmonisation of national ETDs to a common EU format would therefore either impose a **significant financial burden** on some Member States to meet the highest standard or would, on the other hand, **reduce the standard** provided by some Member States to their own citizens.

For these reasons, this Option was not considered appropriate and was discarded. However, both Options 2 and 3 envisage that the use of EU ETD is left **optional** to Member States for their own citizens or inside the EU.

6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

The main criteria to assess the different policy options include:

- **the effectiveness of the options in meeting the objectives**, as defined in Sections 4.1 and 4.2 (see also Figure 5-1);
- **the social impacts and impacts on fundamental rights**, namely the impacts on the right to equal treatment on consular protection abroad by unrepresented citizens (in line with the Treaty and the provisions of the Consular Protection Directive);
- **financial and economic impacts from the different options**, in particular for Member States competent authorities, citizens and, potentially, other stakeholders such as travel operators, aircraft carriers and other businesses (employers and insurance companies).

No direct environmental impacts are envisaged from the options[44]. As a result, these are not considered further.

6.1 Impacts from Policy Option 1

Inaction will result in the persistence and likely increase of the current problems, described in Section 2, as the underlying drivers will remain unaffected or become stronger. The EU ETD will not be as effective in providing genuine help to citizens in distress as it could be and will not fulfil the aim of demonstrating the practical benefits of being a citizen of the Union.

6.2 Impacts from Policy Option 2

The main stakeholders impacted by Option 2 can be broadly divided into Member States' authorities, citizens and other stakeholders.

The impacts are examined in greater detail below. The summary of impacts presents the assessment of Option 2 against the objectives identified earlier in Section 4.

6.2.1 Impacts on Member States' authorities

Option 2 introduces a new and significant improvement in security features responding to concerns voiced by the Member States, but it does so at a relatively small increase in the cost to Member States. The modelling of the EU ETD sticker on the existing uniform format for visas re-purposes this already **widely used tool** in EU consulates to strengthen the security of the EU ETD. This represents a considerable saving as opposed to solutions requiring purchase of new equipment

A new legislative instrument governing EU ETDs adapted to the Consular Protection Directive would provide Member States with increased legal certainty. Similarly, it would

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[44] Although, arguably, there could be indirect environmental impacts if, for example, travellers have to take a different route home. However, these impacts are highly uncertain and difficult to model.

clarify the coordination and cooperation measures used and deadlines for both assisting and issuing Member State.

Option 2 would explicitly allow for EU ETD to be used optionally by Member States for their own citizens and within the EU, as is the case already in practice. A more secure EU ETD format, which is multilingual and produced at EU-level, can thus also represent a cost-efficient alternative to Member States considering replacing any outdated national ETDs.

6.2.1.1 Administrative costs

Under this option, the administrative costs involved in processing applications for EU ETD and verifying the applicant's nationality are expected to either stay the same as compared to the status quo or to be reduced due to the harmonisation and streamlining of the administrative procedures governing EU ETDs, including the consultations between Member States.

The impact on the individual Member State will largely depend on that Member State's consular network. Generally, while the processing costs for better represented Member States will be higher, the costs for verifying an applicant's nationality will be smaller as the nationals of these Member States are more likely to be represented in a third country by their Member State. The same is true in reverse for Member States with smaller consular networks, which will have higher identification and smaller processing costs. Furthermore, given the broad consular network of the UK, the burden on other Member State consulates (in particular of those Member States with a similarly broad network) is likely to increase in response to the UK's withdrawal from the European Union.

The deadlines provided for under Option 2 derive from best practices reported by the Member States. Given the infrequent need for EU ETDs and their distribution across a wide network of countries and Member State consulates, it is considered that their impact on any particular Member State consulate will be minor.

Finally, Member States would be entitled to have their costs reimbursed by the citizens requesting an EU ETD in a non-discriminative manner and in line with the provisions of the Consular Protection Directive. It can thus be expected that some of the arising costs will be passed on to the citizens benefiting from the service.

6.2.1.2 Transposition costs

An implementation of the new legal instrument will not cause significant transposition costs for Member States. The main change would be the update of the format and alignment with the Consular Protection Directive. Transposition costs may vary slightly depending on whether the Member States decide to issue a new piece of legislation or amend the existing legislation.

According to a study conducted in 2009, 14 Member States (AT, BE, BG, CZ, DE, DK, EL, HU, LU, MT, PT, SE, SI and SK) have implemented the EU ETD Decision in their internal legal order while the remaining have not, assuming they could rely on its direct application[45].

In addition, some Member States are not issuing the EU ETD, namely the UK, France and Germany. Costs will therefore be larger for these three countries than for those that already use the EU ETD, as some hassle costs may arise from having to make redundant their current framework for issuing national ETDs to unrepresented citizens. Nevertheless, these costs are not expected to be significant.

There will be reporting obligations as part of the new legal instrument governing EU ETD, but these could be timed to coincide with those from the Consular Protection Directive, thereby minimising the associated costs[46].

6.2.1.3 Training costs

There will be costs related to training consular staff to complete the new ETD format. However, the training needs will not be significant as consular staff are already trained to issue visas, and the main aspect of issuing the new EU ETD under this option will be the production of ETD sticker modelled on the visa system.

A cheap and effective option to train staff on the new format may be the use of an e-learning tool. E-learning costs less than more traditional methods of training. Savings stem from a variety of factors, including reduced travel and accommodation expenses, but also ease of adaptability and more targeted information.

Illustrative costs for e-learning (eL)

The cost to create e-learning can vary and depends on several factors, such as the content and the level of interactivity and instructional complexity. Expenses include the software applications used to create the online presence, establish management functions, create the courses, and enable their delivery.

According to Tagoras, an hour of e-learning featuring moderate interactivity and limited animations requires anywhere from 90 to 240 hours to develop. If you were to assume an average hourly labour cost of €52[47], a cost of €4,700 to €13,000 can be estimated. A mid-estimate of €9,000 per produced hour for "moderate" level content can be assumed.

Source: https://www.tagoras.com/cost-to-create-e-learning/

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45 European Institute of Law (2009): Member States' Legislations and Practices in the field of Consular Protection.

46 The Impact Assessment for the Consular Protection Directive proposed that the relevant report, coming after 3 to 5 years of the implementation of the Directive, should entail a specific study with emphasis on data collection and should examine how well cooperation and coordination arrangements are working. The set-up costs for the monitoring mechanism were estimated at €314,400. The same mechanism with minor adjustments could be used for reporting purposes of new EU ETD legislation.

47 Conversion rate of $1=€0.81.

Should Member States wish to conduct further training on the ETD in overseas countries, the costs would be borne by the Member States. The survey asked Member States' competent authorities how long it currently takes them to train staff in the issuance of ETDs in a year. A realistic range was from 1h to 1 day per year, with an average of half a day. The level of training and costs will also depend on the level of representation by Member States. The costs given in Table 6-2 are based on the level of representation and assume 1 hour to a day per year at €182 daily rate. These costs exclude the trainer's fee and travel and accommodation costs; in that sense they are an underestimate. On the other hand, this option may also entail cost savings by combining it with train-the-trainers type of activities, trainings on their national ETD and other consular activities (such as the visa system). However, as can be seen from the table, the costs would appear to be larger for those countries with a greater level of representation.

Table 6-1:Costs of training from Option 2 based on the level of representation of Member States (2017 data as provided by EEAS)

Level of representation	Member State (in ascending order)	Notes	Lower bound (€) for group[48]	Upper bound € for group[48]
Low	MT, EE, LU, LT, LV	Representation in less than 20 countries (assumes 20 for calculation)	€ 2,000	€ 18,000
Low to moderate	SL, CY, HR, IE	Representation in over 20 countries and below 40 (assumes 30 for calculations)	€ 3,000	€ 22,000
Moderate	SK, DK, FI, BG, PT, EL	Representation in over 40 countries (assumes 50 for calculations)	€ 7,000	€ 55,000
Moderate to high	AT, HU, BE, PL, CZ, RO, SE, NL	Representation in over 60 countries (assumes 75 for calculations)	€ 14,000	€ 109,000
High	ES, IT, UK, DE, FR	Representation in over 90 countries (assumes 160 for calculations)	€ 19,000	€ 146,000
Total (rounded)			€ 45,000	€ 350,000

[48] Obtained by multiplying 1 hr at €24/h by the number of Member States and countries where these are represented. Upper bound assumes 1 day at €182/day. Rounded to nearest €1,000.

6.2.1.4 Costs of new EU ETD

The production cost of the new EU ETD will consist of the cost of the new blank form and the cost of the ETD sticker.

The blank form would keep the same level of security features and would only see its design changed. It is estimated that this would not change the current production cost of roughly 1 euro per piece.

With regard to the cost of the ETD sticker, preliminary investigation with several mints in charge of printing visa stickers revealed that a sticker with the same security features as that of the Schengen visa and produced in low quantities (under 5000 annually) would cost roughly 7 euros net per piece.

Assuming that about 1000 EU ETDs are issued each year[49], the annual costs of the producing the EU ETD foreseen under Option 2 would thus be under €10,000 for all Member States.

Several measures can be undertaken to further reduce the cost of production:

- Appoint through a tendering procedure a single mint for production of the stickers;
- Order a larger initial quantity to cover longer term needs of all Member States consulates.

Further economies of scale can be achieved if some Member States decide to adopt the use of the new format in lieu of national ETDs, as is currently the case with Italy. A more secure EU ETD format, which is multilingual and produced at EU-level, can represent a cost-efficient alternative to Member States whose national ETDs have outdated security features.

6.2.2 Impacts on citizens

The elements considered under Option 2 are expected to reduce the time citizens spend waiting to be issued an EU ETD, in particular due to improved coordination and cooperation procedures between the Member States and deadlines applicable to the exchange of information and issuance of documents.

Assuming each unpresented citizen saves, conservatively, a day in applying and receiving an EU ETD and that the opportunity costs of this is the average daily wage of €93[50], the savings based on 1000 annual cases per year can be estimated at €93,000 across all citizens.

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49 The annual numbers of EU ETDs have been estimated by RPA at around 320 outside the EU and another 250 within the EU. It is estimated that another 400-500 unrepresented citizens are issued annually national ETDs by the Member States currently not using the EU ETD. Under this Option, all Member States would be obliged to issue EU ETDs, which would result in the likely annual numbers around 1000.

50 Average net daily wage in the EU 27, calculated as the average of 1/260 of the annual net earnings for a single person without children. Based on 2015 Eurostat figures. Statistics available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Wages_and_labour_costs#Net_earnings

Due to the improved security features and the modernised EU ETD, the risk for citizens to receive sub-optimal assistance will be reduced. Improving security features as well as increased promotion of the document by the EEAS is expected to improve the acceptance of the EU ETD around the world (something that was considered to be "very important" by 19 of the 25 Member States that responded to this question in the survey). Consequently, there will be reduced inconvenience when travelling on an EU ETD and a reduced risk of having to change travel itineraries and alter travel arrangements.

Citizens would also benefit from greater legal clarity surrounding notions of representation and confirmation of nationality, which would give them a right to an EU ETD in more situations than under the current EU ETD Decision. The same applies to cases of expired passports and new-born babies, which would now be covered.

Other benefits are short and simple deadlines for Member States processing an EU ETD request. A citizen seeking an EU ETD would know by which date he or she could expect to be issued the document and could plan accordingly. Citizens would also profit from no longer being required to themselves send the application to their Member State of nationality and to bring a photo (in cases where the consulate is equipped with a digital camera). These measures would reduce the pressure on citizens often already distressed due to the fact that their travel documents were stolen or lost.

It is important to note, however, that these benefits will accrue particularly to citizens of those Member States with less worldwide representation, namely MT, EE, LY, LT and LV. However, nationals of other, better represented Member States could further profit from increased acceptance if these Member States opt to issue EU ETDs also to their own nationals.

On the other hand, such benefits will have to be compared with the additional costs of a potentially more expensive but more secure EU ETD. However, under Option 2, the manufacturing costs are not expected to rise significantly.

Table 6-2: Benefits to citizens based on the level of representation of Member States (2017 data as provided by EEAS)

Benefits to citizens from improved ETD format	**Member States (in ascending order)**	**Additional notes (out of a total 195 countries globally)**
High	MT EE, LU, LT, LV	Representation in less than 20 countries
Moderate to high	SL, CY, HR, IE	Representation in over 20 countries.
Moderate	SK, DK, FI, BG, PT, EL	Representation in over 40 countries.
Low to moderate	AT, HU, BE, PL, CZ, RO, SE, NL	Representation in over 60 countries.
Low	ES, IT, UK, DE, FR	Representation in over 90 countries

In **crisis situations**, the EU ETD may be issued with the sticker filled in by hand and at no charge. This is already the case today with the current format and is an accepted practice in crisis situations where the safety of the citizen is paramount. The variety of situations during crisis and the unpredictability of their occurrence make it impossible to quantify the impact accurately. In crisis situations, even represented citizens may become unrepresented if their consulates are not in position to provide service. Therefore, estimating savings and benefits to citizens in crisis cases is necessarily more complex and is addressed qualitatively. However, one would expect that the benefit to EU citizens from obtaining assistance, or obtaining it quicker and more efficiently, could be substantially higher in crises than in everyday cases.

6.2.3 Impacts on other stakeholders

Some benefits from an improved EU ETD are expected to accrue to businesses, as employees may be able to return to work more quickly if the EU ETD is more widely accepted and more quickly issued. With respect to airline carriers, any costs related to denied entry of citizens travelling on EU ETD at final destinations would diminish as a result of more widely accepted format.

6.2.4 Summary of impacts from Option 2

The following Table summarises the main impacts from Option 2 relative to the objectives.

Table 6-3: Expected impacts from Option 2	
Effectiveness in attaining objectives	**1. To adapt the EU ETD legislation to the Consular Protection Directive** A new legislative instrument governing EU ETDs aligned to Consular Protection Directive will bring about several benefits. The new legal instrument will be enforceable and will allow the Commission to monitor compliance and bring forward enforcement measures if necessary. It will clarify the situation with regard to new-born babies and expired passports, currently not covered by EU ETD Decision. Similarly, it will align the notions of absence of representation and confirmation of nationality, the fees charged for the EU ETD and the obligation for Member states to communicate directly and without delay with the Consular Protection Directive. **2. Simplify the conditions and formalities for issuing EU ETD and improve the cooperation and coordination among Member States.** Consular staff are already familiar with the systems and equipment for issuing visas. This will make this knowledge easily transferable to the new ETD sticker. The citizen would no longer be obliged to send application to their Member State of nationality, but the two Member States working on the case would have to communicate directly and without delay, within proposed deadlines. Whenever possible, the photo of the citizen would be taken live at the consulate. **3. Improve acceptance of EU ETD.** The new security features will

	alleviate the concerns expressed by some Member States currently not issuing the document and therefore contribute to ending fragmentation amongst EU Member States in the application of the EU ETD. Improved security features, including adding a machine readable zone, will equally increase acceptability of the document by third countries and facilitate its processing at the borders. Adding space for national transit visas would further facilitate travel through a number of countries requesting transit visa for ETDs (such as the USA). The greater role envisaged for the European External Action Service in providing specimens and facilitating acceptance of the document should also contribute favourably to this objective. **4. Enhanced document security and reduce the risk of document fraud.** The new proposed EU ETD format with enhanced security features will reduce the risk of document fraud and contribute to the security of the EU borders.
Social impacts and fundamental rights	This option will contribute to the greater value the EU citizens can derive from their European citizenship right to equal treatment on consular protection when they are unrepresented in third countries. The social impact is also positive due to reduced risk of document fraud, increased security of travel documents and EU borders. The EU ETD will require some biographical data and an obligatory facial image. This data is collected at the citizen's request and it is proportionate to the information needs required for a travel document. No data other than those listed on the EU ETD might be put in machine-readable form. Data processing involved in this option will not significantly change as compared to the baseline. The Member States will be obliged to exchange data through formal and secure channels, such as the CoOL website. The data is exchanged between Member States for the purpose of confirming the identity of a citizen without other valid travel documents and is justified on those grounds. At all times, during data collection, storage and transmission, the Member States are obliged to follow the EU's acquis and fundamental rights, particularly in relation to data protection.
Financial and economic impacts	New security features will raise production cost, but with the application of economies of scale and other mitigating measures proposed, the increase should not be significant. It is uncertain whether any increase in the production costs would be passed on to the citizen or absorbed by the Member States themselves. However, the non-discrimination provision of the Treaties and of the Consular Protection Directive prohibits charging greater price for EU ETDs than for national ETD, thus guarding against any spike in fees. The costs of processing applications and confirming identity by the Member States are expected to remain the same as currently or be positively affected by more

	efficient coordination between the Member States in accordance with the Consular Protection Directive. A more secure EU ETD format, which is multilingual and produced at EU-level, can also represent a cost-efficient alternative to Member States considering replacing their outdated national ETDs. Better recognition of the new format will accrue financial savings for unrepresented citizens from reduced opportunity costs and other savings, e.g. on hotel stays and alternative travel arrangements.

6.3 Impacts from Policy Option 3

6.3.1 Impacts on Member States' authorities

The biggest impact on the Member States from this option would be the cost of providing their consulates with the equipment necessary for personalising the biometric document on the spot.

Consultations undertaken for this Impact Assessment on the EU diplomatic laissez-passer passports have produced useful comparisons. The cost of equipment per issuing post is estimated between 10 000 and 15 000 euros. Currently, only a minority of EU Member States' consulates have such equipment available, with many Member States treating their requests for passports either domestically or at several regional centres in the world. This in turn involves a waiting period of several days to several weeks and does not correspond to the needs of an emergency travel document, which should be readily available. Equipping all consulates with the required equipment on the other hand would be prohibitively expensive in proportion to the number of cases of EU ETDs issued every year.

Even if certain cost-effective measures are undertaken, such as for example sharing or buying common equipment between consulates, the level of total investment needed would remain significant. At the same time, any sharing or centralising of equipment would have the negative effect of slowing down the issuance process.

Besides the cost of equipment needed for personalisation, there is also the cost of the new EU ETD booklet. Although it is difficult to the estimate the exact cost, it is likely to be in the range of 60-100 euros per printed copy, based on the example of the EU laissez-passer biometric passport printed in relatively low quantities.

The Member States would also have to train their staff to use the new equipment for personalisation and would have to invest in maintenance of the equipment.

The Member States' costs of processing applications and confirming the applicant's identity are expected to be largely the same as under Option 2.

There would be some **benefits** to the Member States as well, but these are mainly due to some marginal extra security that can be derived from the biometric passport compared to Option 2.

The Member States could also benefit from the spill-over effect of using the same equipment for issuing their biometric national passports at consulates. However, many Member States do not have such equipment in place at their consulates for this much bigger business need (in terms of number of cases), which shows that the level of required investment remains prohibitively high.

6.3.2 Impacts on citizens

Those citizens who lost their passport in a third country, while planning onward journey, would stand to benefit most from this option. It is impossible to know their exact numbers, but it is safe to assume that they represent a minority within the already low numbers of unrepresented citizens requiring an EU ETD. The benefit of being able to continue their journey would have to be weighed against a likely high cost of issuance of such a document. For the majority of other citizens requiring the EU ED for a single return journey home the costs of a biometric document would be significantly higher.

In **crisis situations**, the EU ETD may be issued without the biometric data, filled in by hand and at no charge. This is already the case today with the current format and is an accepted practice in crisis situations where the safety of the citizen is paramount.

6.3.3 Impacts on other stakeholders

The impacts on other stakeholders are similar to those under Option 2.

6.3.4 Summary of impacts of Option 3

The following Table summarises the main impacts from Option 3 relative to the objectives.

Table 6-4: Expected impacts from Option 3	
Effectiveness in attaining objectives	**1. To adapt the EU ETD legislation to the Consular Protection Directive** Same as Option 2. **2. Simplify the conditions and formalities for issuing EU ETD and improve the cooperation and coordination among Member States.** Most of the consulates would have to be equipped with the required equipment for personalising biometric documents and the consular staff would have to be trained to use biometric equipment. Otherwise same as Option 2. **3. Improve acceptance of EU ETD.** Biometric features would make the document accepted for onward journeys. Otherwise same as Option 2. **4. Enhanced document security and reduce the risk of document fraud.** The biometric EU ETD would include more security features compared to Option 2 and would equal Member States' passports.
Social impacts and fundamental	The citizens would benefit from longer duration EU ETD enabling them to continue onward journey. In terms of data protection, Option 3 will add the requirement to collect

rights	fingerprints. As this is currently not done under national ETD schemes (though for national passports), more people will be affected in their rights to the protection of personal data. No data other than those listed on the EU ETD and biometric data might be put in machine-readable form or in the chip. The biometric features shall only be used for verifying the authenticity of the document and the identity of the holder by means of directly available comparable features when the EU ETD are required to be produced by law. The EU data protection acquis would apply. The question of whether and how Member States set up their national databases to store biometrics is not touched upon by this policy option, keeping with the principle of administrative autonomy of the Member States, though naturally any implementation would have to be compatible with EU law and the fundamental rights it protects (in particular the right to the protection of personal data under Article 8 CFEU).
Financial and economic impacts	Biometric security features would require installation of expensive equipment in many consulates. This equipment is currently not in place in many consulates even for the much bigger business case of issuing national passports. While some cost-efficient measures can be undertaken, they would still require high levels of investment and would cause some delays in the issuance of the EU ETD, which by very nature should be a readily available document. The cost of the printed EU ETD booklet with biometrics is also likely to be high, given its high security features and low quantities in which it is produced. Any harmonisation of Member States issuance fees would likely have to be toward the highest fees in order to discourage anyone from applying for an EU ETD with long validity period instead of national passport.

7. HOW DO THE OPTIONS COMPARE?

Effectiveness: Options 2 and 3 are both effective in addressing the all of the issues highlighted. They will both include a legislative proposal that will increase **legal certainty** in the application of the EU ETD and improve coordination and cooperation among Member States. Both Options 2 and 3 will increase the level of **security** of the travel document and have a positive effect on improving its **acceptance** both by Member States and around the word. Option 3 goes further in increasing document security, providing a smaller number of citizens requiring onward journeys with the possibility to do so. However, the process of issuance may be slowed down significantly depending on the availability of the necessary equipment. In comparison, Option 2 re-uses already available equipment in consulates, which allows for faster processing and issuance. Both options ensure that compliance can be monitored and, if necessary, **enforced**.

Efficiency: Both Options 2 and 3 will have benefits for the stakeholders in terms of streamlined and harmonised procedures, higher security, increased acceptance and faster processing at borders. Option 3 offers further benefits by allowing onward journeys. In terms of costs, the two options differ greatly. Whereas under Option 2 the cost of EU ETD remains

low as there is no need to invest in new equipment, this is not the case with Option 3. Biometric security features would require installation of expensive equipment in many consulates. The cost of the EU ETD to citizens under Option 3 would equally increase significantly. On the other hand, under Option 2 the cost of the EU ETD to the citizens is unlikely to increase due to low production costs.

Coherence: Both Options 2 and 3 would be compatible with the existing EU framework and align the rules on issuance of EU ETD with the **Consular Protection Directive**. This alignment would in particular include notions of absence of representation and confirmation of nationality, but would also align rules on coordination and fees. Both options would also include situations already used in practice, such as expired passports and new-born babies. Data processing under both options would follow the relevant EU and national legal provisions, ensuring full respect of fundamental rights. Both options are compliant with ICAO Guidance on emergency travel documents[51].

Proportionality: Option 2 raises security features of the document to the standard expected by the Member States and third countries and it does so using existing equipment and at a low cost. The citizen would benefit from a more secure document, less likely to be mistrusted and easier to process at the border. Option 3 will go beyond current expectations for emergency travel documents and it would involve significantly larger costs for the Member States without achieving considerably higher positive effects. The costs are more likely to be transferred to citizens. From the perspective of fundamental rights, and in particular of data protection, Option 2 is more proportionate as it guarantees the citizen's right to consular protection abroad while only requiring the collection of personal data necessary to achieve this purpose.

Table 7-1: Expected impacts from Option 2 and 3

Criteria	Option 1 - Baseline	Option 2 – ETD sticker	Option 3 – biometric chip
Effectiveness towards specific objectives			
Improve legal certainty		++	++
Improve security and reduce document fraud	0	+	++
Improve acceptance of EU ETD	0	+	++
Simplify conditions for formalities and issuance	0	+	-/0
Improve coordination and cooperation among Member States	0	++	++
Efficiency			

[51] Available at: https://www.icao.int/Security/mrtd/Downloads/Guidance%20Material/Guidance%20on%20Emergency%20Travel%20Documents%20May%202016%20final.pdf

Criteria	Option 1 - Baseline	Option 2 – ETD sticker	Option 3 – biometric chip
Costs	0	-/0	---/--
Benefits	0	+	++
(COSTS VS BENEFITS)	0	0/+	-/0
Coherence[52]	0	++	++
Proportionality[53]	0	++	-

The main problems of security features and legal certainty cannot be effectively addressed by option 1 – baseline. Options 2 and 3 are both effective in addressing these problems, but with varying impacts on the stakeholders.

The main difference stems from the treatment of the update of security features. Option 2 introduces a new and significant improvement in security features, but it does so at a relatively modest increase in the cost to all stakeholders. The modelling of the EU ETD sticker on the existing uniform format for visas re-purposes this already widely used tool in EU consulates to strengthen the security of the EU ETD. The EU and the Member States benefit from increased security, whilst the citizen benefits from expedient solution and increased acceptance of the document.

The Option 3 matches the security features of Option 2 and raises them to the level of fingerprints and biometric chip. It offers some marginal benefits in return, by further increasing document security and allowing for onward journeys. However, the production cost and the equipment needed is prohibitively high. Under Option 3, the vast majority of citizens who require an EU ETD to return home would also be faced with a significantly more expensive document than needed for their purpose.

As a result of the comparison of the options, Option 2 is the preferred option and ranked first.

8. PREFERRED OPTION

Option 2 would end the current fragmentation amongst EU Member States in the application of EU ETD and it would bring legal certainty to unrepresented EU citizens in the exercise of their right to equal treatment on consular protection abroad. Importantly, Option 2 would make the issuance of EU ETD compulsory for unrepresented citizens in third countries and it would enable the Commission to perform its role of monitoring and taking any measures in this regard if necessary.

Both the Council and the Parliament have called on the Commission to make a proposal for a new EU ETD containing security features in line with current practices**.** The preferred option

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52 Coherence in relation to the Consular Protection Directive and Fundamental Rights.

53 The proportionality test ensures that any policy measure is limited to what is necessary to achieve its objectives.

reflects this assessment and the views expressed by Member States during consultations, including the three Member States with the biggest consular networks, on the best way to modernise the common format.

The Member States who currently do not issue EU ETDs due to concerns over security features, would be required to issue the document to unrepresented citizens in third countries. This would be justified by the security improvements to the document itself as well as the issuing process. The proposed EU ETD sticker would have equivalent security features as the uniform format for visas and can be issued easily by consular staff using the equipment available in all EU consulates for issuing visas. Additional advantage of the EU ETD sticker is its machine readability, which will make processing time at the borders quicker. A specific area would be added to the EU ETD form to allow for affixing any transit visa (as is for example asked by the USA).

A comitology procedure, aligned with existing ones especially the one on the visa sticker, would be established to specify necessary further technical specifications for the uniform format for EU ETDs, including enhanced anti-forgery, counterfeiting and falsification standards and technical standards and methods to be used for the filling in of the EU ETDs and its colours. The comitology procedure would thus allow for the EU ETD document to benefit from other developments in increased security of other types of travel documents.

Importantly, the new legal instrument governing EU ETD would be aligned with the Consular Protection Directive. Member States and citizens would thus benefit from greater legal clarity and coherence. Concepts such as absence of representation and confirmation of nationality would be clarified, granting unrepresented citizens a legal right to EU ETDs in more situations than under the current EU ETD Decision. The same is valid in cases of expired passports and new-born babies, which would now be covered.

The benefits to the citizen would also be clearer deadlines for Member States on processing times for issuance of the document, a cap on potential fees that can be charged for the EU ETD and the removal of the obligation for the citizen to send originals of the application to their Member State of nationality. Equally, the citizen would no longer be required to bring their photo in all cases where the consulate is equipped with a digital camera.

The impact on the citizens from this option is expected to be positive. They will be able to count on obtaining the EU ETD from all Member States' consulates under the same conditions. Increased security is expected to increase EU ETDs' acceptance and trustworthiness at the borders. Better recognition of the new format will accrue financial savings for unrepresented citizens from reduced opportunity costs and other savings, e.g. on hotel stays and alternative travel arrangements.

The costs for the Member States are expected to remain low given the low production cost of 8 euros per document. Based on the estimated annual issuance of 1000 EU ETDs, the production costs can be estimated to be around 8000 euros annually across all Member States. Initial stocking purposes are likely to be somewhat bigger and could be estimated at 40 000 euros, based on the initial order of 5000 EU ETDs. The Member States with larger consular networks would have somewhat higher costs (see table 6-2 for overview of networks), both in

terms of purchase of new documents and training needs; however, total amounts are not expected to be significant given the low numbers of these documents issued annually.

The administrative costs involved in processing applications for EU ETD and confirming the applicant's nationality are expected to either stay the same under this option as compared to status quo or be positively affected due the harmonisation and streamlining of the administrative procedures governing EU ETDs.

It should also be noted that burden sharing between Member States in terms of consular protection is provided for in the Consular Protection Directive, which enables the Member States to establish local consular cooperation in third countries through which they can arrange how best to organise the provision of services to unrepresented citizens as well as distribute more fairly the associated burden among themselves. The assisting Member States are equally entitled to reimbursement of costs from the Member State of nationality of the unrepresented citizen for the consular assistance provided.

The somewhat higher cost of production of the new EU ETD form can be justified given the increased security features. But this is not expected to lead to a substantially higher price for the citizen as the non-discrimination provision of the Treaty and of the Consular Protection Directive prohibits charging greater price for EU ETDs than for national ETD, thus guarding against any spike in fees.

The new legal instrument governing EU ETD would be mandatory only within the area of consular protection for unrepresented citizens in third countries. However, it would explicitly allow for EU ETD to be used optionally by Member States for their own citizens and within the EU, as is the case already in practice. A more secure EU ETD format, which is multilingual and produced at EU-level, can also represent a cost-efficient alternative to Member States considering replacing any outdated national ETDs.

1.1. REFIT (simplification and improved efficiency)

Table 8-1: REFIT Costs and savings from Option 2 – Preferred Option

Description	*Amount*	*Comments*
	Direct benefits	
Citizens – annual costs savings from deadlines on issuance	EUR 93,000	Opportunity costs of €93/day in saved time per case. The time savings based on 1000 annual cases per year can be valued at €93,000 across all citizens.
Cost savings for accelerated document checks at EU external borders due to machine readability of the document	Quicker, more reliable processing of citizens travelling on EU ETDs at the EU borders, reduced administration	Not quantifiable – border authorities do not collect such data Beneficiaries: border authorities, citizens
Reduced hassle costs through improved acceptance of more secure document (recurrent)	Fewer rejections of citizens at EU borders resulting in reduced costs to travellers; reduced handling and compensation payments for authorities and airlines; reduced denial-of-boarding costs (lost sale) for airlines.	Not quantifiable – border authorities and airlines do not collect such data Beneficiaries: citizens, businesses (especially airlines through liability for unjustified denial of boarding)
	Indirect benefits	
Improved security within the EU and at its borders	Reduction in document fraud related to poor document type (forgery, tampering, impostor, reused document blanks).	Not quantifiable – the precise increase in the level of security within the EU cannot be quantified. Beneficiaries: Citizens, public administrations, businesses.
Facilitated access to the right to equal treatment on consular protection for unrepresented EU citizens	Improved document will increase the acceptance and make the exercise of the right to equal treatment on consular protection of unrepresented EU citizens quicker, easier and more secure. This will in turn have a positive effect on the perceived benefits of EU citizenship.	Not quantifiable – the precise increase in the level of the perceived benefits of EU citizenship cannot be quantified. Citizens.

9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

The preferred option would be monitored and evaluated against its objectives, which are detailed in Section 4 above. Suggested indicators at overall and specific objective levels are set out in Table 9-1 below, along with potential sources of data.

In addition, progress will be monitored in 5-year periods (due to the low annual numbers currently being issued) to determine whether the option is being implemented in accordance with its provisions. Reporting obligations on Member States will be thus needed and could be thus timed together with the Consular Protection Directive. Any corrective measures can be taken if required. Nevertheless, taking into account the limited number of EU ETDs issued by Member States, it is important to adopt a realistic approach to monitoring the implementation of the preferred policy option and not to overburden national authorities. Consultations with Member States in the framework of the expert group on consular protection will take place to determine the most appropriate frequency of data collection and reporting.

Periodic reviews of the implementation of the option by the Commission should be carried out accordingly to collect relevant information and to analyse implementation by each Member State. The indicators should be collectable from Member States (e.g. number of ETDs issued and rejected by third parties), established agencies (e.g. Frontex, Interpol, border force) on the level of fraud/forgery detected and/or be part of a regular Eurobarometer survey (level of awareness by citizens, benefits of EU citizenship and benefits from EU ETDs).

Citizens will be asked to give feedback upon return of their EU ETD when applying for a new passport. Other stakeholders (third countries via EU delegations, airlines etc.) will be consulted as appropriate.

Monitoring will result in an implementation report produced and submitted by the Commission to other EU institutions five years after the entry into application of the legislative measure. This report will review the indicators listed in Table 9.1.

Success of the initiative would be determined, for example, by a very low number of cases of fraudulent use/counterfeit EU ETDs, increased awareness among citizens, few reported issues of acceptance by third countries and related problems, and increased use of EU ETDs by Member States in non-mandatory situations (e.g. for their own nationals).

Table 9-1: Monitoring and Evaluation indicators		
Overall Objectives	**Indicators**	**Sources of Information**
To facilitate the citizens' right to equal treatment on consular protection for unrepresented EU citizens abroad	No.s of ETDs issued to unrepresented EU citizens (by Member State). EU citizens' awareness of EU ETDs	Member States reports Feedback from citizens (general Eurobarometer survey on citizenship rights)
To improve security within the EU and its borders	Acceptability of EU ETDs by third country border authorities. No.s of cases of fraudulent use/counterfeit documents.	Consultation with/surveys of Member States and border authorities.
Specific Objectives	**Indicators**	**Sources of Information**
To adapt the EU ETD legislation to the Consular Protection Directive	Issues having arisen due to conflicts, overlaps or gaps between ETD and Consular Protection legislation.	Consultation with Member States (both issuing ETDs as well as those whose citizens are in receipt of them). Periodic reviews conducted by the Commission.
To improve the cooperation and coordination among Member States	Average time taken to process ETD applications	Member States reports
To simplify the conditions and formalities for citizens in need of an EU ETD	Assessment criteria adopted by Member States. Cost of an ETD application. Average time from application to issuing ETD. No.s of refused applications, broken down by reasons for refusal.	Member States and Commission reports

Table 9-1: Monitoring and Evaluation indicators		
To improve acceptance of EU ETD	No.s of ETDs rejected by airlines and other transport operators, and/or third countries of departure and transit countries No.s of EU ETDs denied at points of entry to the EU. Use of EU ETDs in non-mandatory situations.	Member States reports
To enhance document security and reduce document fraud	Updates in security features of travel documents in light of technological developments and threats. No.s of cases of fraudulent use/counterfeit documents.	Member States and Commission reports. Frontex/Interpol data.

ANNEX 1: PROCEDURAL INFORMATION

A1.1 Lead DG, D*e*cide Planning/CWP references

DG JUSTICE AND CONSUMER AFFAIRS

DECIDE PLANNING: 2017/JUST/017

CWP 2018: REFIT initiatives: An Area of Justice and Fundamental Rights Based on Mutual Trust (9.ID cards and Residence Documents): Review of the Proposal for a Council Directive to replace the Decision on the establishment of an emergency travel document (legislative, incl. impact assessment, Art. 23 TFEU, Q2 2018)

A1.2 Organisation and timing

A Commission inter-services steering group (ISG) was established in July 2017 for preparing this initiative. The following DGs and services were invited to the inter-service group: General Secretariat (SG), Legal Service (SJ), Migration and Home Affairs (HOME), European External Action Service (EEAS), Humanitarian Aid & Civil Protection (ECHO), Budget (BUDG) , Employment, Social Affairs and Inclusion (EMPL) and Internal Market, Industry, Entrepreneurship and SMEs (GROW). The ISG met 4 times in the period from July 2017 to February 2018.

A1.3 Consultation with RSB

The Regulatory Scrutiny Board delivered a positive opinion on 23 April 2018. The tables below shows how this report takes into account the main RSB comments.

(1) The report discards options based on national ETDs without establishing why these could not deliver satisfactory results.	The report has been amended to include a better explanation on why the option of national ETDs has been discarded. Further evidence of the lack of support by stakeholders as well as the ineffectiveness of this approach has been added.
(2) The options only concern the security-related elements of the proposed measures, whereas the problem description also raises issues of legal certainty, enforceability and acceptability that the options do not address.	The report has been updated to substantiate the lack of choice in the construction of options to tackle the issues of legal certainty, enforceability and acceptability described in the problem definition. The report further details how these aspects are covered in both Options 2 and 3.
(3) The report does not adequately explain how the preferred option addresses stakeholder concerns regarding the current system, e.g. in terms of security.	The report has been amended to include further explanation as to how the preferred option addresses the stakeholders' concerns regarding the current system.

A1.4 Evidence, sources and quality

The evidence for this Impact assessment has been gathered through a study commissioned under the relevant framework contract to RPA and EPRD.

To conduct this study and gather evidence, a search for relevant data and information was conducted online, covering sources from both within and outside of the EU. The Decision's legal text was rigorously examined and statistical data was gathered from relevant databases (such as Eurostat). Searches were conducted in the official languages of the EU by native country researchers assigned according to language capabilities. A number of parallel studies have provided useful information to this impact assessment (and earlier evaluation). The main sources of data include:

- GHK (2011): Study on the Impact Assessment on Improving Financial Compensation of Consular Protection in Crisis Situations, a study for DG Justice;
- European Institute of Law (2009): Study on Member States' Legislations and Practices in the field of Consular Protection, final report to DG Justice;
- Flash Eurobarometer, Consular Protection - Analytical Report (2006);
- Flash Eurobarometer 430 Report, European Union citizenship, October 2015 Survey;
- CARE (Citizens Consular Assistance Regulation in Europe) project activities (2009-2011);
- GHK (2010): Study supporting the Commission in the analysis of policy options and the related costs, focusing on crisis situations and financial reimbursement; and
- Matrix Insight (2011): Study providing further evidence, including via missions to third countries, evaluated Decision 95/553/EC and examined scope for improvement.

The methodology consisted of both a literature review and consultation (by means of a survey, direct email consultation and telephone interviews as described in Annex 2). More than 200 e-mails have been sent to request information, including remainder e-mails to obtain responses to the survey in order to gather evidence. The approach has included quantification of impacts (to the extent possible), including monetisation based on data obtained from consultation and literature review (e.g. on number of ETDs, fees and hours spent to complete an individual ETD, etc.).

Care has been taken however to interpret the evidence based on the following:

- Internal validity of the evidence: i.e. its precision and reliability. When possible, general statistics have been used to quantify the impacts but there is, overall, a lack of official published data on key indicators which are, according to survey responses, not consistently being collected by all Member States (e.g. namely the number of ETDs issued to unrepresented citizens, ETDs issued to own nationals and to unrepresented nationals living abroad);
- Temporal relevance. The evidence on the impacts represents the period since the Decision's implementation, with this taking into account the differences in the timing at which Member States joined the EU (including the fact that a Member State may not have been a member in the period prior to the Decision); and
- Independence of source: the most balanced arguments have been presented and attempts have been made to avoid any significant biases.

The main caveats with the findings are as follows:

- Sample size and representativeness: Limited responses to the OPC and the lack of representativeness of the responses in terms of those citizens in need of consular assistance by Member States other than their own means that extrapolation of the results concerning impacts on citizens is very uncertain. Examples are available but must be considered as only illustrative of the types of cases that do arise in many countries. These have been included at relevant points in the assessment, as they may set a precedent but they should not be read as necessarily being representative or reflecting common issues;
- Member States do not collect consistently and systematically statistics on the number of ETDs issued to their own citizens by other missions, nor on the number of ETDs issued to unrepresented citizens. Such obligation does not exist under Decision 96/409/CFSP. Thus, the figures may be an under-representation of the real level of use of the EU ETD.
- Generally, the findings from different sources show some discrepancies that could impact on the robustness of the findings; in particular the assumptions made in the GHK study about the numbers of unrepresented citizens living abroad do not seem to match up easily with more recent estimates provided by Member States authorities when responding to the survey. Although clarification has been sought from the latter, these estimates have been difficult to reconcile. Thus, it is recommended that these data are collected in the future to minimise uncertainty.

Data has thus been gathered and validated across the different sources and utilised as follows:

- Information communicated by stakeholders but unsupported by desk-research are given a higher uncertainty rating: e.g. the estimate of people living in Third countries and being unrepresented is given a high uncertainty level.
- Information communicated by stakeholders and supported by desk-research. In particular information that has been found to be grounded and supported by other literature has been given greater weight (e.g. level of implementation, awareness of the EU ETD, magnitude of costs, etc.) so uncertainty is lower.

It needs to be said that although the targeted consultation with trade associations and companies carried out for this evaluation and impact assessment has been restricted to a limited number, some of the responses include the main players in the field. These include companies like British Airways, KLM, and associations such as the European Travel Agents, Airlines for Europe, and the Tour Operators' Associations. These associations in particular were able to speak on behalf of their members that include business operators in all Member States. Thus, the responses show a good spread of Member States' coverage, including associations operating at European level and representing the main players in the EU.

Furthermore, the members of the Expert Group on the rights of unrepresented citizens to consular protection abroad have also confirmed to the consultants that they have consulted and gathered data from their own missions abroad and related authorities (such as border control). As a result of this, it is believed that the data collected from the consultation work are robust enough to inform the evaluation and Impact Assessment.

ANNEX 2: STAKEHOLDER CONSULTATION

A2.1 Summary of Consultation Strategy

Prior to initiating the consultation, a mapping exercise of the stakeholders was undertaken by the external contractor in order to develop an effective strategy and maximise responses whilst ensuring that the evaluation questions were fully answered and the objectives of the impact assessment were met. The following Table summarises the list of stakeholders and relevance for consultation.

Different methods to collect data have included surveys and interviews by telephone. Two main surveys have been conducted on-line; one to Member States' competent authorities and the other for citizens and business through Open Public Consultation (OPC). Consultation has been undertaken both within the EU and at international level (with Member States' mission and third countries to examine aspects to do with issuance and acceptance). More information is provided below. The consultation carried out by the external contractor (covering both the evaluation and this impact assessment) involved the following:

- Consultation with experts from the European Commission, EEAS and the Council Secretariat, gathering some opinions to inform option development (especially concerning security features);
- Consultation with Member States' competent authorities: by means of a survey. Contacts included the members of the Commission's Expert Group on the rights of unrepresented citizens to consular protection abroad, with follow-up questions in e-mails to clarify outstanding issues. Telephone interviews were also conducted at Member State authorities' convenience to discuss key issues in greater depth. The interview questions were tailored to the specific stakeholder being interviewed, and were thus bespoke (as opposed to using generic interview guides; see more details below);
- Consultation with trade associations, including tour operators, airline companies and insurance companies. This consultation was undertaken by means of e-mails and telephone interviews with a number of questions concerning their experience with the EU ETD, any costs and benefits and any views on the security aspects.
- Consultation with citizens and citizens' groups: this included an e-mail with questions on levels of awareness of the EU ETD and experiences with it. In addition, an Open Consultation process was undertaken; and
- Interviews with Member States' missions conducted in third countries (e.g. Peru, Mexico, Dominican Republic) and third countries authorities (e.g. US, Indonesia) to explore specific aspects with regard to the use of ETDs, in terms of acceptability.

Table A2.1: Consultation approach		
Stakeholder	**Relevance for consultation**	**Specific/example questions**
Competent authority – CA (Ministries/passport offices)	To collect information and data on their legislation and practices concerning emergency travel documents (common format or any other) issued both to their own citizens and to unrepresented EU citizens.	Full survey (refer below for more information) + bespoke semi-structured interviews
EU citizens and citizens' groups	To collect information on the experiences when travelling on ETDs as well as perceptions and awareness level of right of consular protection and the EU ETD	Open Consultation (OPC) + e-mail with following questions: 1. *Are you aware of the existence of the common format ETD? Have you got any experience with it? If you do, could you please explain whether this has been good or bad? (with estimates of costs and benefits)* 2. *Do you believe that the EU ETD provides genuine help to EU citizens in distress?*
Border control authorities	To collect information on the level of fraud and training undertaken on ETDs.	1. *Are you familiar with the common format ETD?* 2. *Do you accept ETDs (either national or common format) for EU citizens living in your country but national of another MS? Do you recognise ETDs only to travel back to the country of the issuing authority?* 3. *Can you see any advantages of having a uniform format for ETD across the EU?* 4. *Have you got any views on the security aspects that a new, improved common format ETD should have as a minimum?* 5. *Have you got any evidence or statistics on ETD fraud (both common format and/or national ETDs)?*
Tour operators and associations	To collect information on the interactions and linkages with other legislation (i.e. Package Travel Directive) and information on costs and benefits from ETDs	1. *Are you aware of the existence of the common format ETD? Have you got experience with it?* 2. *If you do, could you please explain whether this has been good or bad?* 3. *Can you see any aspects concerning the coherence of the Decision with the Package Travel Directive?*
Airlines companies & associations	To collect information on costs and benefits from ETDs and training costs	1. *Are you familiar with the common format ETD?* 2. *Can you see any advantages of having a uniform format for ETD across the EU?*

Table A2.1: Consultation approach		
Stakeholder	**Relevance for consultation**	**Specific/example questions**
		3. *Can you highlight any costs or benefits to your organisation?* 4. *Have you got any views on the security aspects that a new, improved common format ETD should have as a minimum*
Insurance companies and associations	To collect information on costs and benefits from ETDs (reduced/increased claims for ability or lack of travel)	1. *Are you familiar with the common format ETD? Is there an insurance covering loss or theft of documents? Does it cover the costs for issuing of an ETD? Are you aware of any estimates of the costs incurred in assisting travellers who have lost their travel documents or had them stolen (both now or following the transposition of the new PTD)?* 2. *Can you see any advantages of having a uniform format for ETD?* 3. *Can you highlight any costs or benefits to your organisation?* 4. *Have you got any views on the security aspects that a new, improved common format ETD should have as a minimum?* 5. *Can you see any aspects concerning the coherence of the Decision with the Package Travel Directive?*
Other	Statistics on travel from UNWTO Costs of blank forms – Italian mint Commission services – baseline and Options Member States' missions in third countries – practices/experience with ETDs Third countries – experience/acceptance of EU ETDs	Bespoke

A2.2 Bespoke consultation for the studies supporting the impact assessment and evaluation

An internet-based survey was developed (using SurveyGizmo) by the external contractor consisting of relevant questions for Member State Authorities, specifically the Ministries of Foreign Affairs. Contact was taken with 28 Member State Authorities on 25th October 2017. Recipients were provided with an initial response deadline of 10th November 2017. Following requests from some Members States' Authorities and to encourage greater response rates, the survey deadline was extended to 8th December 2017.

In addition to the online survey, telephone interviews were also carried out by the external contractor to gather further information on questions of particular interest and to provide to respondents that had not completed the online survey an opportunity to provide input into the study. Member States' authorities that were unable to complete the online survey and participate in a telephone interview were encouraged to provide information for the study via a streamlined set of questions sent by email.

In addition to the survey to the authorities, over 50 companies, a mix of airline companies, tour operators and insurance companies, were contacted by the external contractor to gather their views on the EU ETD and potential options for improvement. The external contractor also referred companies to the OPC carried out by the Commission(see next point). Border police in the different Member States were also contacted to enquiry about the level of fraud to do with the EU ETD.

The following table summarises the number of consultation responses received by the contractor by stakeholder group and country and excluding the OPC. As shown in the Table, a total of 95 responses were received to the consultation carried out for this evaluation. During the consultation with Member States, it became evident that the Ministries from the different Member States have also consulted their missions worldwide to gather evidence on the number of ETDs being issued. Thus, the number below may underrepresent the total level of consultation undertaken.

There was a good coverage of Member States responded to the targeted consultation, with all EU Member State represented by at least one stakeholder. The online survey to Member States' competent authorities was answered by all Member States, with the exception of Germany, Cyprus and Greece. However, all three countries responded to our request for telephone interviews and information. Cyprus and Greece confirmed that they had not issued any EU ETDs to date; thus, their input to the survey was considered by them to be of limited added value. The full list of consultees is given below.

Table A2.2: Research methods for data collection – Consultation responses

CA: Competent authorities (Ministries/Passport offices)
TO: Tour operator (incl. associations)
IC: Insurance company (incl. associations)
AC: Airline company (incl. associations)
IC: Insurance company (incl. associations)

Member States	CA	Citizens/ groups	Border control	TO	AC	IC	Other? Please specify	Total
AT	1		1					2
BE	1							1
BG	1	1	1	1		1		5
CY	1	1	1					3
CZ	1							1
DE	1		1		1			3
DK	1			1		1		3
EE	1	1	1	1	1			5
EL	1		1	1		1		4
ES	1	1						2
FI	1		2	1	1			5
FR	1		1					2
HR	1	1	1			1		4
HU	1	1		1				3
IE	1			1	1			3
IT	1			1				2
LT	1	1	1					3
LU	1							1
LV	1		1	1	1			4
MT	1							1
NL	1	1		1	1			4
PL	1	2	1	1				5
PT	1	1	1	1				4
RO	1							1
SE	1	1	1	1				4
SI	1	1	1				1[a]	4
SK	1							1
UK	1	1			2			4
EU level			2	1	1		1	5
International	3				1[c]		2[b]	6
Total								**95**

Notes: a: Chamber of Commerce and Industry of Slovenia; b: Gemalto, UNWTO; c: ICAO

Responses from competent authorities include survey responses; additional queries were carried out by e-mail and/or phone to address specific issues or gather specific data. International includes case studies, including Member States representations in third countries.

A2.3 Member States' competent authorities

Overall, most Member States consulted for this study believed that travelling and living abroad will continue to create increasing requests for ETD in the future. None of the Member States' authorities are expecting the number of ETD needed for their own citizens to be reduced in the future. However, it was pointed out by stakeholders that insufficient security features may be a factor in the level of uptake by some Member States in the future. The three Member States currently issuing national ETDs to unrepresented citizens have confirmed this (FR, DE and the UK).

All Member States responding to the on-line based survey consultation conducted with Member States' authorities for this Impact Assessment, depicted in Figure 1-1, agreed that improving security features is very important or somewhat important in view of possible modernisation. Less important is the simplification of formalities.

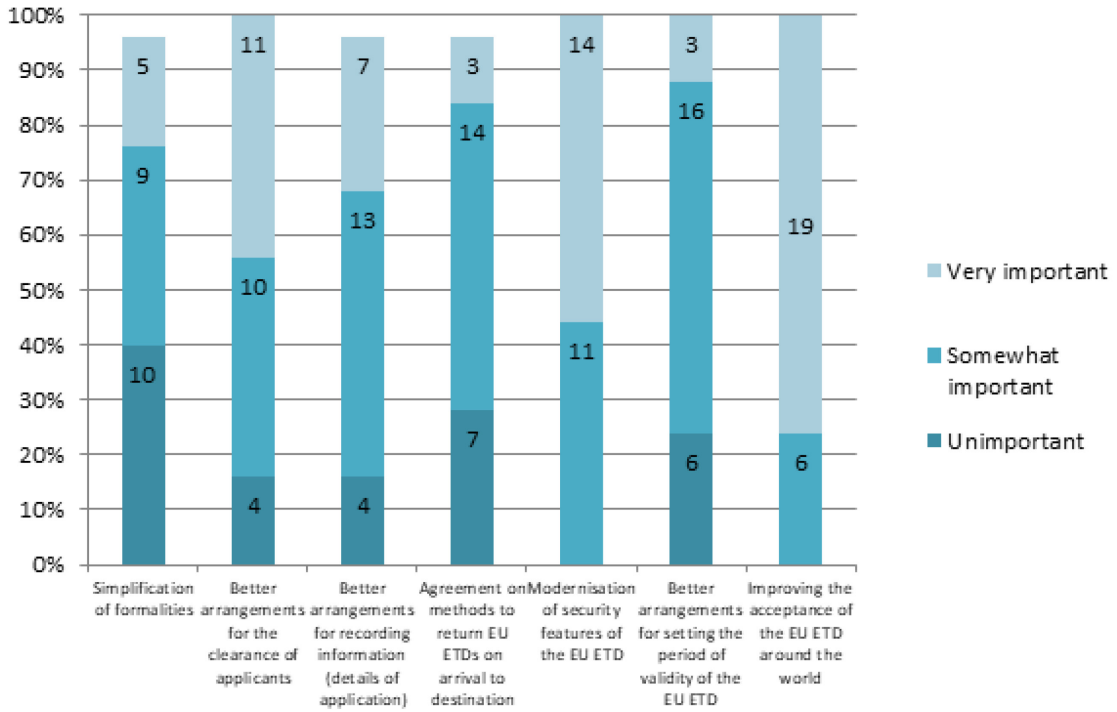


Figure A2.3: Responses to Member States' online survey question 36 - In view of the possible modernisation of the rules applicable to the issuance and format of the EU ETD, please assess the perceived importance for you of the following objectives (n=25)[54]

[54] Three MS did not reply to the questionnaire (DE, CY and EL).

The above would suggest that upgrading security features of the EU ETD would be supported by most Member States. The border force consulted for the study agreed with suggestions to improve its security features. The on-line survey also questioned Member States about the minimum security features required for a modernised EU ETD. Figure 2 below highlights those security features that Member States believe the EU ETD should have as a minimum and therefore that have been considered in the design of the options. Most of the requirements relate to security paper and special inks and coatings, although a significant number of Member States included informational add-ons. Most survey respondents agreed that special paper and secure information add-ons should be used. Eighteen of the 21 Member States authorities that responded (85% of respondents) indicated that watermarks should be used. Additional features suggested by the responding authorities are shown in Box 1. Specific features mentioned included machine readable zone and a barcode which is now part of Option 2. Four Member States mentioned biometrics which is now part of Option 3.

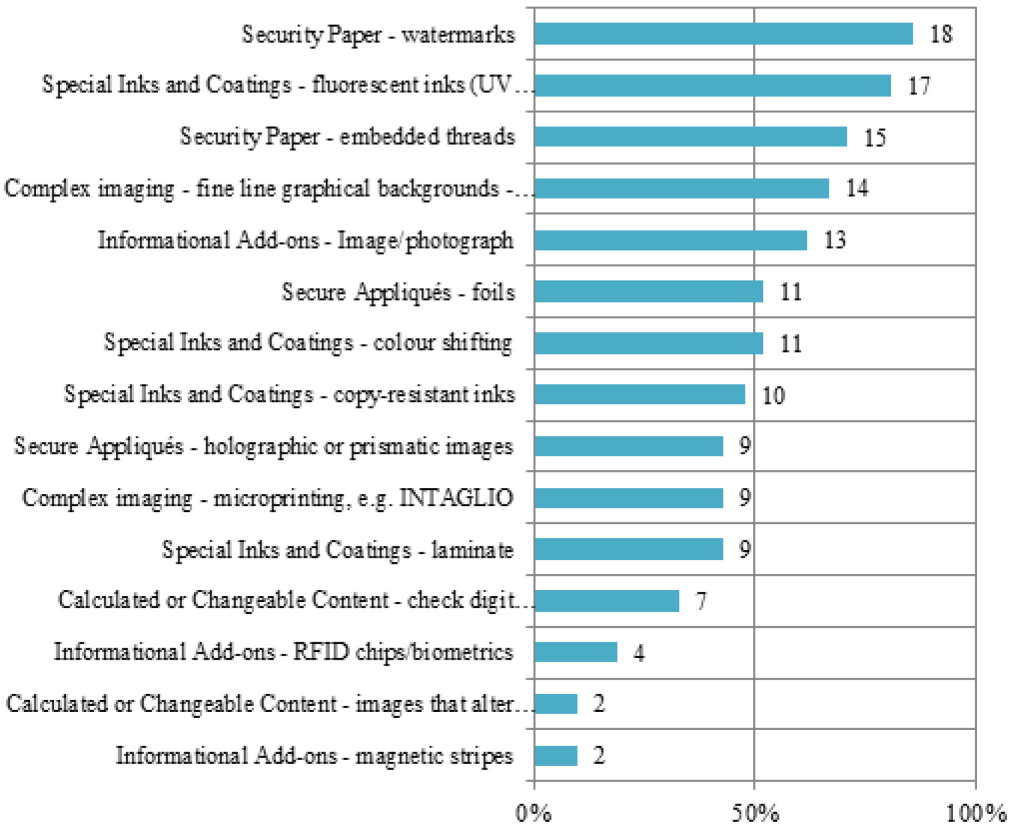


Figure A2.4: Responses to Member States' online survey question 32 - Please tick from the list below the security features that the EU ETD should have as a minimum in your opinion (n=21[55])

Box 1: *"Other"* security features from Member States' online survey question 32

[55] Four MS did not answer this question. The remaining two did not answer the questionnaire.

- Booklet form
- Printed 2nd photo
- Future ETD should look more like a proper passport, also to avoid complications when exiting the country (i.e. hard cover, booklet form)
- Security paper- free of optical brighteners and with reagents against chemical erasure
- Security paper- visible and invisible security fibres with fluorescent properties
- Numbering- the serial number shell be printed in letterpress using ink with UV properties
- Printing process- OFFSET (background, IRSI) and INTAGLIO (latent image, microprinting)
- Personalisation process (photo and data) - inkjet technology
- Secondary image printed on bio data page
- Laser perforated document numbering from the geodata page through rear cover
- Protection method for additional information about the holder on Observation page
- Fibres or planchettes
- Letter press number
- Rainbow printing
- See-through
- IR-split
- Security paper - visible and invisible fibres, fluorescent in UV
- Rainbow
- Machine readable zone acc. to ICAO 9303
- Digital seal (as 2D-barcode)
- Microprinting
- Numbering with letterpress incl. UV reaction
- Security fibres
- DOVID

Guidelines[56] on consular protection of EU citizens in third countries were issued by the Council in 2006 and 2008. The 2006 guidelines make little reference to Decision 96/409/CFSP, and the main aim was to define what is meant by "*accessible permanent representation*" and "*accessible honorary consuls competent for consular matters*" in the context of further implementing Decision 95/553/EC, as well as providing quick, immediate and practical consular assistance to EU citizens in need in third countries. Consultation through interviews has revealed little awareness of the existing guidelines on consular protection. Hence the option of developing further guidelines as a soft measure is questionable.

[56] Guidelines on Consular Protection of EU Citizens in Third Countries (10109/2/06 Rev 2) and Guidelines for further implementing a number of provisions under Decision 95/553/EC (11113/08). It is noted that both sets of guidelines are legally non-binding.

A2.4 Other stakeholders' views on ETD

Other stakeholders other than Member States gave their opinion on the ETDs although generally it can be said that the issue is not very contentious, and none reporting any problems or significant costs with the ETDs. Most consultees, with a few exceptions, confirmed that they are familiar with the common format EU ETD, but none of them considered it to create significant costs and/or benefits to their organisations.

On the specific aspects of coherence, consultation with trade associations for this study sought views on aspects of coherence with other legislation, in particular the Package Travel Directive, but none has been highlighted. Moreover, tour operators have highlighted that the new package travel directive puts little onus on them in terms of securing an ETD[57]. Thus, the implications of both Directive and Decision acting together on travel operators are not expected to be significant.

Airlines companies did not highlight any particular aspects of concern with regard to EU ETDs nor did they have strong views about their security features that could be regarded as a minimum.

Citizens' and consumer associations were quite positive about the existence of EU ETD but they could not provide specific estimates of costs and benefits. Some were keen to highlight the lack of awareness.

The following tables summarises some of the statements from other relevant stakeholders.

[57] Under Article 16 of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC, the organisers will provide appropriate information on consular assistance and will help make alternative travel arrangements, but this does not mean that the organiser has to arrange or pay for the ETD.

Stakeholders' views on EU ETD (examples of replies received during consultation)

Citizens/consumer association

ETD's and this possibility is really great and that really helps EU citizens when traveling and when they are in distress.

Many of our citizens do not know […] what ETD is and that our government should invest more into informing citizens and raising their awareness about that possibility.

I had not come across this – ETD is not a consumer issue[…]

Yes, we are aware about the document but we have no experience with it.

[…] we are aware of the ETD and some of our members have had the benefit of using it […] but in general, the EU ETD is a very helpful instrument for European citizen in distress.

Airlines

As an airline, we are familiar with ETD common format and have no doubts when accepting on flights passengers who are having ETDs in their hands […]No additional cost till this day

Tour operators

Currently, there is no obligation for TO's to provide direct assistance in case the client has lost their travel documents during their stay abroad […]We do not see the requirement for the organizers to secure an ETD for a traveller. It is giving information and assisting, if possible, to get to the body who gives the EDT.

We never had any experience with ETDs but we generally inform our passengers they will need a supporting document from the police concerning the loss or theft of documents and after that a declaration or document from the embassy in order to travel back."

In the new PTD assistance is required but to decide to what extent the T/O needs to act must be on a case by case basis

Insurance companies

I know that in case of loss of passport or visa our citizen can go to our embassies where they can get travel document but not that there is some common format for these travel documents. We didn't have any experience in the company with these cases.

A2.5 Full list of Consultees

Consultees' Names	
MS	**Name**
Competent authority/ Passport offices	Ministry of Foreign Affairs (EE); MFA (NL) Danish Ministry of Foreign Affairs (DK) Ministry Foreign Affairs (PT) Ministry of Foreign Affairs and International Cooperation (IT) Ministry of Foreign Affairs (AT) MFA (PL) MFA (SL) Ministry Of Foreign And European Affairs (HR) Ministry de l'Europe et des affaires Estrangers (FR) Ministry of Foreign Affairs of the Republic of Bulgaria (BG) Ministry Of Foreign Affairs And Cooperation (ES) Ministry of Foreign and European Affairs (SK) Ministry Of Foreign Affairs (LV) Home Office/Her Majesties Passport Office (UK) MFA (CZ) Federal Public Service Foreign Affairs (BE) Department of Foreign Affairs and Trade IE) Ministry for Foreign Affairs (SE) Ministry for Foreign Affairs Luxembourg (LU) Ministry for Foreign Affairs (FI) MFA (RO) MFA (LT) MFA (CY)
Border control/Passport offices	Frontex Interpol Passport Office, Identity (MT) Border Guard of Finland (2) BM.I (AT) Cypriot Police (CY) DGPN-DCPAF (FR) Police and Border Guard Board (EE) Border Guard Poland (PL) State Border Guard (LV) State Border Guard Service under the Ministry of Interior of the Republic of Lithuania (LT) Slovenian Border Police (Sl) Director of Serviço de Estrangeiros e Fronteiras Marina (PT) Greek police (EL) Swedish National Forensic Centre, the Swedish Police Authority (SE) IT Forensics, Documents (DE) Directorate General Border Police (BG) Serviço de Estrangeiros e Fronteiras Marina Portugal (PT) Ministry of Interior (Border Control) (HR)

Tour operators, travel agents & its associations	ECTAA Irish Tour Operator Federation (IE) Estonian Travel and Tourism Association (EE) The Association of Finnish Travel Agents (SMAL / AFTA) Polish Tour Operators Association Ltd. Impro (LV) Chamber of Trade of Slovenia Bulway (BG) Caravelatur (PT)
Airline companies & associations	British Airways. KLM Board of Airline Representatives in the UK Ltd (BAR UK) Ryanair Airlines for Europe Air Baltic (LV)
Insurance companies & associations	Groupama Bulgaria (BG) Eurohec Insurance (HR)
Citizens/consumer associations	Consumer Protection Board, Estonia (EE) Finnish Consumer's Union (FI) Consumer Association Libertas (PL) Consumer Association of Slovenia (Sl) Associação Portuguesa para a Defesa do Consumidor (PT) 3 individual citizens (Pl, ES, BG) Croatian Association for Consumer Protection (HR)
Other (e.g. consulates, EU services, other ministries, third countries)	ICAO EEAS Italian mint Consular Officer | British Embassy | Santo Domingo| Dominican Republic Consular office of Spain in Peru, Lima DG Home State Department of Tourism Internal Administration Division (LT) Indonesian embassy in London Chamber of Commerce and Industry of Slovenia Gemalto US mission to the EU

A2.6 The Open Public Consultation (OPC)

Between 12 September and 5 December 2017, the European Commission carried out an open public consultation (OPC) to collect views on EU Emergency Travel Documents (EU ETD). The Commission sought views from EU citizens, their family members, businesses, organisations, academics and any stakeholders concerned with EU citizenship and free movement. The results of this consultation were intended to inform the Commission's assessment of the scope for introducing specific action at EU level related to EU ETDs.

Headline figures from OPC

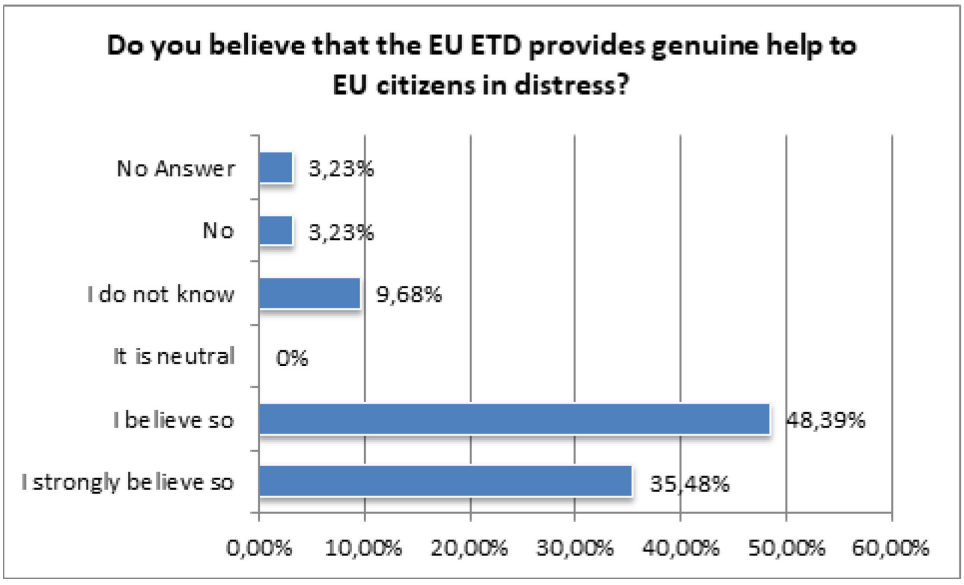
A very limited number of replies were received. 23 EU citizens, **5** administrations and **3** organisations from **14** Member States responded to the questionnaire.

Respondents were very mobile, with over **65%** travelling outside the EU at least once a year or more.

74% of respondent citizens hold ID cards, whilst only **4%** uses their ID card to travel outside the EU, against **96%** who use their passport.

Only **26%** of the respondents were not aware of the right to seek help from the embassy or consulate from another EU country. Of the respondent citizens, only **4%** have ever requested the assistance of the embassy or consulate of an EU country different than their own. **52%** of the respondents were aware of the existence of an EU ETD that embassies or consulates of any other EU country can issue to EU citizens in such a situation. An additional **3%** was also aware, but only after it had been provided with an EU ETD from an EU country different from their one of origin. None of the respondents has ever been provided with an ETD by an EU country different from their own.

The vast majority of the respondents, **84%**, believed that the EU ETD provides genuine help to EU citizens in distress.



Regarding objectives to improve the current rules, **74%** of the respondents regarded improving the recognition and acceptance of EU ETDs around the world to be very important. The second most important objective is simplifying the formalities, which **60%** of the respondents deem to be very important. These two objectives are followed by modernising the security features of the EU ETD (**40%**), and reducing costs (**31%**).

Concerning costs, **58%** of the respondents would be inclined to pay higher fees for an EU ETD with increased security features. **42%** of the respondents were of the opinion that a standard fee should be charged for an EU ETD by all EU countries worldwide, against **32%** who felt that the fees charged should be established by the EU country itself.

71% of the respondents with an opinion felt that EU ETD should always be issued, over that of a national ETD. **19%** felt that this would be a matter for the issuing country to decide which ETD it wants to issue to the citizens.

84% of the respondents agreed that EU citizens living or travelling in a country within the Union should also be able to receive an EU ETD both inside and outside the EU, if their home country has no embassy or consulate there and their travel document is lost, stolen, destroyed or unavailable.

ANNEX 3: WHO IS AFFECTED AND HOW?

A3.1 Practical implications of the initiative

Member States public authorities

The increased security of the new document benefits Member States through increased security of EU borders and greater acceptance of the document issued to their citizens. The new document would also facilitate border controls by being machine-readable. The cost of the use will remain low, as no new equipment is required and the new format is only marginally more expensive to produce than the current one. The costs of training staff to use the new format is also considered to be low.

The Member States could also benefit from using the new format for their own citizens and within the EU. A more secure EU ETD format, which is multilingual and produced at EU-level, can represent a cost-efficient alternative to Member States considering replacing their outdated national ETDs.

EU citizens

Due to this initiative, citizens will derive greater value from their status as EU citizens. There would be a clear obligation to issue the EU ETD to them, in line with the relevant acquis on citizens' rights. Elements considered under the proposed measure are expected to reduce the time that citizens spend receiving assistance from consular services of other MS, in particular due to improved coordination and cooperation procedures between the MS and the deadlines applicable to the exchange of information and issuance of documents. Under the proposed measure, the assisting MS shall provide the unrepresented citizens with an EU ETD at the latest the next working day following the confirmation of the applicant's nationality (although exceptions may apply).

Assuming each unpresented citizen saves, conservatively, a day in applying and receiving an EU ETD and that the opportunity costs of this is the average daily wage of €93 and, the savings based on the 1000 annual cases per year can be estimated at €93,000 across all citizens.

Due to the improved security features and the modernised EU ETD, the risk for citizens to receive sub-optimal assistance will be reduced. Improving security features, as well as the role of the European External Action Service in promoting the document, is expected to increase the acceptance of the EU ETD around the world (something that was considered to be "very important" by 19 of the 25 Member States that responded to this question in the survey). Consequently, there will be reduced inconvenience when travelling with an EU ETD.

On the other hand, such benefits will have to be compared with the additional costs of a potentially more expensive but more secure EU ETD. However, the manufacturing costs are not expected to rise significantly if measures are undertaken to guarantee economies of scale

during the tendering process. The benefits may be larger for those citizens with lower level of representation around the globe.

Impacts on other stakeholders

Some benefits from an improved EU ETD are expected to accrue to businesses, as employees may be able to return to work more quickly if the EU ETD is more widely accepted and more quickly issued; with respect to airline carriers, compensation claims may reduce if citizens are able to travel without incurring additional costs.

A3.2 Summary of costs and benefits

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
Direct benefits		
Citizens – annual costs savings from deadlines on issuance	EUR 93,000	Opportunity costs of EUR 93/day in saved time per case. The time savings based on 1000 annual cases per year can be valued at EUR 93,000 across all citizens.
Cost savings for accelerated document checks at EU external borders due to machine readability of the document	Quicker, more reliable processing of citizens travelling on EU ETDs at the EU borders, reduced administration	Not quantifiable – border authorities do not collect such data. Beneficiaries: border authorities, citizens
Reduced hassle costs through improved acceptance of more secure document (recurrent)	Fewer rejections of citizens at EU borders resulting in reduced costs to travellers; reduced handling and compensation payments for authorities and airlines; reduced denial-of-boarding costs (lost sale) for airlines.	Not quantifiable – border authorities and airlines do not collect such data. Beneficiaries: citizens, businesses (especially airlines through liability for unjustified denial of boarding)
Indirect benefits		
Improved security within the EU and at its borders	Reduction in document fraud related to poor document type (forgery, tampering, impostor, reused document blanks).	Not quantifiable – the precise increase in the level of security within the EU cannot be quantified. Beneficiaries: Citizens, public administrations, businesses.

Facilitated access to the right to equal treatment on consular protection for unrepresented EU citizens	Improved document will increase the acceptance and make the exercise of the right to equal treatment on consular protection of unrepresented citizens quicker, easier and more secure. This will in turn have a positive effect on the perceived benefits of EU citizenship.	Not quantifiable – the precise increase in the level of the perceived benefits of EU citizenship cannot be quantified. Citizens.

II. Overview of costs – Preferred option							
		Citizens/Consumers		Businesses		Administrations	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Transposition of the new legislative measure	Direct costs	-	-	-	-	Negligible	-
	Indirect costs	-	-	-	-	Negligible	-
Cost of new EU ETD	Direct costs	0 – 8 Euros*	-	-	-	EUR 40,000**	EUR 8,000***
	Indirect costs	-	-	-	-	EUR 197,500 +	Not quanti-fiable++

* Whether the quantified cost to the administrations will be passed to individuals and the levels of potential additional support to implementation provided is not known at this stage.

** *Based on the initial order of 5000 EU ETDs for stocking purposes*

*** *Based on the annual issuance of 1000 EU ETDs a year at 8 euro per piece estimated production cost. In the absence of reliable data on past issuance, these costs cannot be divided by Member State.*

+ *Based on the average training costs (see table 6-2 in Section 6 of the Impact Assessment)for likely distribution by Member State*

++ *It is likely future trainings be integrated in regular training programme of consular staff, making it harder to quantify in isolation this element*

ANNEX 4: ANALYTICAL METHODS

A4.1 Description of methodology

The approach has included quantification of impacts (to the extent possible), including monetisation based on data obtained from consultation and literature review (e.g. on number of ETDs, fees and hours spent to complete an individual ETD, etc.). The following table summarises the approach to estimate the costs and sources of data. The quantification was then based on the Standard Cost Model (SCM, as described in the Better Regulation Tool #53) using the formula:

$\Sigma P \times Q$

where P (for cost of processing one ETD) = Tariff (hourly wage rate for appropriately qualified personnel) x Time (number of hours spent); and

where Q (for Quantity) = Number of ETDs processed

The following Table summarises the type of costs and benefits considered under the Options.

Table A4-1: Assessing costs and benefits from the Options			
Stakeholders affected	**Costs/benefits**	**Approach to measuring**	**Source of data**
MS authorities	Costs of changing laws/developing regulation	Costs of consultation	Evaluation study/ consultation
	Training costs	Personnel costs/e-Learning	Literature review/assumptions
	Cost of blank forms	Average cost of buying one form by number of forms	Consultation
	Costs/benefits related to staff time to provide new ETDs	Numbers of ETDs issued Average time required to process application and value of staff time	Evaluation study, based on SCM.
Unrepresented Citizens	Facilitated access to the right to consular protection	Greater clarity on rules and application process	Evaluation study and consultation
	New application fees	Numbers of ETDs issued and fees	Evaluation study/ Consultation with Italian mint and Gemalto
	Impacts from changes in application times and issuance	Average daily wage as opportunity costs savings	Evaluation study, based on SCM
	Savings from reduced	Problems reported	Evaluation

Table A4-1: Assessing costs and benefits from the Options			
Stakeholders affected	**Costs/benefits**	**Approach to measuring**	**Source of data**
	risk of changes to travel arrangements/reduced problems when travelling	when travelling avoided	study/consultation
Border authorities	Costs/savings from processing/verifying ETDs (for Third country and Member States)	Average cost of training staff members in recognising/time validating EU-ETDs	Evaluation study/ Consultation

Some of the above costs and benefits have not been subject to quantification owing to the lack of data to facilitate such assumptions. Such costs and benefits include:

- Cost savings for accelerated document checks at EU external borders due to machine readability of the document;
- Reduced hassle costs through improved acceptance of more secure document (recurrent);
- Improved security within the EU and at its borders;
- Facilitated access to the right to equal treatment on consular protection for unrepresented EU citizens.

A4.2 Calculation of costs and benefits under Option 2

Option 2 will involve replacing the existing EU format with a better and more secure EU ETD that will apply across all Member States.

The main changes will accrue to Member States currently issuing national ETDs to unrepresented citizens, namely France, the UK and Germany. These countries may include larger hassle costs and costs incurred from becoming familiar with new legislation. Training is expected to incur some costs although it could be minimised under e-Learning and if this is tailored similar to, or together with, that of the existing visa systems. The average costs based on SCM is estimated at €197,500.

The costs of manufacturing the new forms are, based on early consultation, estimated to amount to a maximum of €8 per piece. The one-off costs of buying a stock for Member States and based on a total of 5,000 are estimated at €40,000.

Citizens will save time under Option 2. It has been assumed that the number of EU ETD to be issued under Option 2 is 1,000[58] per year. The opportunity costs (or benefits) to citizens is the average daily wage. Estimated at €93, the savings are estimated at around €93,000 for all

[58] These would include EU ETDs issued by Member States that currently issue national ETDs to unrepresented citizens (France, Germany and the UK).

citizens. The new forms will be more expensive however, although EU ETDs could be issued for free to citizens in crisis situations.

A4.3 Calculation of costs and benefits under Option 3

This option differs primarily in introducing the highest possible level of security – biometric chips – in the EU ETDs.

Biometrics are currently used in some travel documents, for instance in all Member States passports, some national identity cards[59] and also in the European Union laissez-passer. Consultations undertaken for this Impact Assessment on the EU diplomatic laissez-passer has revealed that the cost of equipment per issuing post is estimated between 10 000 and 15 000 euros (similar estimates have been provided by Gemalto). Currently, only a minority of EU Member States' consulates have such equipment available, with many Member States treating their requests for passports either domestically or at several regional centres in the world.

Besides the cost of equipment needed for personalisation, there is also the cost of the new EU ETD booklet. Although it is difficult to the estimate the exact cost, it is likely to be in the range of 60-100 euros per printed copy. These costs are likely to be passed on to consumers, who would benefit more if they continue their journeys but less so if they return to their home destination.

A4.4 Limitations and robustness of findings

The approach has included different methods of data collection. A first review of the literature was undertaken in the summer of 2017, knowing that undertaking consultation in the summer would have been difficult and also in order to avoid stakeholder fatigue. Most of this literature review included internet searches on ministerial websites and other national statistics. Overall, statistics on the number of ETDs issued was found to be very sparse. Similarly, data on the costs of issuing the ETDs are not publicly available. As a result, the questionnaire was developed to address such gaps and allowed for quantification of costs and benefits.

However, the findings from the survey have revealed significant differences in terms of the time spent on different activities related to issuing ETDs. Consultation has suggested that the processing time from beginning of the ETD application process to its end can be anything from a couple of hours to five days; mostly spent on training and obtaining clearance. This is expected to represent the total time that elapses since the application starts and not active work by the consulate. As a result, the assumption is that a lower bound is half a day and upper bound is one day on average to issue an EU ETD (including receiving clearance from MS of origin). Both of the Options considered under this Impact Assessment are expected to reduce the amount spent on issuing an EU ETD.

It needs to be said that although the targeted consultation with trade associations and companies carried out for this evaluation has been restricted to a limited number, some of the responses include the main players in the field. These include companies like British Airways,

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[59] E.g. Belgium, Croatia, Czech Republic, Estonia, Finland, Portugal, the Netherland, Slovenia, Spain and Sweden.

KLM, and associations such as the European Travel Agents, Airlines for Europe, and the Tour Operators' Associations. These associations in particular were able to speak on behalf of their members that include business operators in all Member States. Thus, the responses show a good spread of Member States' coverage, including associations operating at European level and representing the main players in the EU.

Furthermore, the members of the Expert Group on the rights of unrepresented citizens to consular protection abroad have also confirmed to the consultants that they have consulted and gathered data from their own missions abroad and related authorities (such as border control). As a result of this, it is believed that the data collected from the consultation work are robust enough to inform the impact assessment.

A4.5 Multi-criteria Analysis – methodology applied

Multi-criteria analysis is one of the tools presented in the Better Regulation "Toolbox" (Tool #63) to compare the different policy options. It is a non-monetary approach and its main advantage is that it allows considering simultaneously a significant number of objectives, criteria and relations.

There are three different options (including the baseline) which are assessed and compared against 8 different criteria/sub-criteria. One option might be better than another option according to one criterion (e.g. efficiency) but worse according to another (e.g. effectiveness). Thus, there is no solution optimising all criteria simultaneously and therefore a compromise solution has to be found. The multi-criteria problem is described the following way (Giuseppe, 2003; Giuseppe, 2017):

A) Impact matrix

- A is a finite set of N feasible options, $A = \{a, b, \dots, N\}$
- M is the number of different evaluation criteria $G = \{g_M\}$, $m = 1,2, \dots, M$ considered relevant in a policy problem.

For the analysis we have assumed also the existence of 4 scenarios for the weighting:

1. 1 neutral scenario in which the **headline criteria are equally weighted**
2. 1 neutral scenario in which **all criteria/sub-criteria are equally weighted (higher weight is given in the aggregated effectiveness headline criterion)**
3. 1 scenario focusing on **meeting security requirements with significant weight for the sub criterion 2**
4. 1 scenario focusing on **achieving Legal certainty** (enforceability, plus coherence with CP Directive) **with significant weight for the sub criterion 1**

Taking as an example the case here, table 1 presents per scenario the impact matrix where all the possible options (N=3) are assessed against the criteria (M=8). The impact matrix shows i) the number of criteria in favour of a given option; ii) the weight attached to each single criterion per scenario; and iii) the relationship of each single option with all the other options.

Regarding the weights, let's assume the existence of a set of individual criterion weights W = $\{w_M\}$, m=1,2,...,M, with $\sum_{m=1}^{M} w_m = 1$.

Table A4-2: Comparison of the options							
Criteria	**Scenario 1**	**Scenario 2**	**Scenario 3**	**Scenario 4**	**Option Baseline**	**Option 1 – ETD sticker**	**Option 2 – bio-metrics**
Effectiveness towards specific objectives							
Improve legal certainty	5%	12.5%	5%	25%	0	++	++
Improve security and reduce document fraud	5%	12.5%	35%	10%	0	+	++
Improve acceptance of EU ETD	5%	12.5%	5%	5%	0	+	++
Simplify conditions for formalities and issuance	5%	12.5%	5%	5%	0	+	-/0
Improve cooperation and cooperation among Member States	5%	12.5%	5%	5%	0	++	++
Efficiency							
Costs					0	-/0	---/--
Benefits					0	+	++
(COSTS VS BENEFITS)	25%	12.5%	20%	20%	0	0/+	-/0
Coherence[60]	25%	12.5%	15%	15%	0	++	++
Proportionality[61]	25%	12.5%	10%	15%	0	++	-

Note: The evaluation is based on a scale of 13 steps (including zero) from very limited impact (---) to very high impact (+++)

"0" indicates no change (i.e. neutrality)

w_m weight of each criterion

The next steps shall allow to use the information available above to rank in a complete pre-order (I.e. without any incomparability relation) all the options from the best one to the worst one. In order to do so, the mathematical aggregation convention can be divided in two main steps:

1. Pair-wise comparison of options according to the whole set of individual criteria used
2. Ranking of options in a complete pre-order

B) Pair-wise comparison of options

Where the option *a* is evaluated to be better than option *b* (both belonging to the set A) according to the m[th] criteria, then g_m(a) > g_m(b). In this way a decision problem may be represented in a N x M matrix, E, called *outranking matrix* (Arrow and Raynaud, 1986; Roy, 1996). Any generic element of E: e_{jk}, j ≠ k is the result of the pair-wise comparison, according to all the M individual criteria, between options j and k. Such a global pair-wise comparison is obtained by means of equation:

$$e_{jk} = \sum_{m=1}^{M} \left(w_m(P_{jk}) + \frac{1}{2} w_m(I_{jk}) \right),$$

60 Coherence in relation to the Consular Protection Directive and Fundamental Rights.

61 The proportionality test ensures that any policy measure is limited to what is necessary to achieve its objectives.

Where $w_m(P_{jk})$ and $w_m(I_{jk})$ are the weights of individual criteria presenting a preference a $\succ$ b and an indifference relation (a $\sim$ *b)*, respectively. It clearly holds

$$e_{jk} + e_{kj} = 1$$

In another words and coming back to our case, options are compared pairwise. For each comparison (e.g. OP1 versus the baseline – hereafter, abbreviated as "1B") all the weights are summed for the criteria where Option 1 is preferred over the baseline (in case of option 1 being indifferent of baseline half of the weight is given).

Tables A4-3: Pair-wise comparisons

Pair-wise comparison of options [Policy Options (N) = 3; Criteria (M) = 8] scenario 1

	B	1	2
B	0	0	0.55
1	1	0	0.725
2	0.45	0.275	0

Pair-wise comparison of options [Policy Options (N) = 3; Criteria (M) = 8] scenario 2

	B	1	2
B	0	0	0.375
1	1	0	0.5625
2	0.625	0.4375	0

Pair-wise comparison of options [Policy Options (N) = 3; Criteria (M) = 8] scenario 3

	B	1	2
B	0	0	0.35
1	1	0	0.475
2	0.65	0.525	0

Pair-wise comparison of options [Policy Options (N) = 3; Criteria (M) = 8] scenario 4

	B	1	2
B	0	0	0.40
1	1	0	0.625
2	0.60	0.375	0

C) Ranking of options

Call R the set of all N! possible complete rankings of alternatives, R=$\{r_s\}$, s = 1 ,2, ..., N!. For each r_s, the corresponding score φ_s are computed as the summation of e_{jk} over all the $\binom{N}{2}$ pairs j, k of alternatives, i.e.,

$$\varphi_s = \sum e_{jk} ,$$

where $j \neq k$, $s = 1,2, \dots, N!$ and $e_{jk} \in R$.

The final ranking ($\mathbf{r}^*$) is the one which maximises the following equation:

$$\boldsymbol{r}^* \Leftrightarrow \varphi_* = max \sum e_{jk} \ \ where \ e_{jk} \in R.$$

In our case, policy options can be ranked in 3! (=6) ways. For example, the score for the ranking "B12" is the score of B1 plus those of B2 and 12 (all ordered pairs from left to right). The optimal ranking is the one with the maximum likelihood score. Therefore the preferred option is OP1.

Table A4-4: Ranking of Policy Options per scenario

Ranking	POLICY PAIRINGS			Score			
				S1	S2	S3	S4
B12	B1	B2	12	1.275	0.9375	0.825	1.025
B21	B2	B1	21	0.825	0.8125	0.875	0.775
1B2	1B	12	B2	2.275	1.9375	1.825	2.025
12B	12	1B	2B	2.175	2.1875	2.125	2.225
2B1	2B	21	B1	0.725	1.0625	1.175	0.975
21B	21	2B	1B	1.725	2.0625	2.175	1.975

From the sensitivity analysis we could summarize the followings:

1. Option 1 is the preferred option when we use a neutral weighting for all relevant criteria (scenario 1and 2) and also for the scenario 4
2. Option 2 is the preferred option when the sub criterion for security is more than 35%

Finally, when the aggregate weighting of criterion 2 and 3 ($W_{\text{security and fraud}} + W_{\text{improve acceptance}}$) surpass the aggregate weighting of criterion 4 , 6 and 8 ($W_{\text{simplification}} + W_{\text{efficiency}} + W_{\text{proportionallity}}$ option 2 become favourable.