



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 September 2013

13461/13

LIMITE

**COCON 36
PESC 1053
COTRA 22**

**Interinstitutional File:
2011/0432 (CNS)**

NOTE

from: Presidency
to: Working Party on Consular Affairs
No. prev. doc.: 18821/11 - COM(2011)881 final; 11056/13; 11956/13
Subject: Proposal for a COUNCIL DIRECTIVE on consular protection for citizens of the
Union abroad
- Presidency proposal for a revised Directive

Delegations will find attached a proposal from the Presidency.

The Presidency has drafted this text on the basis of discussions and written comments by delegations.

This proposal will be presented to the Working Party on Consular Affairs (COCON) on 20 September 2013.

NB: - The text includes amendments which are marked in **bold**. To enhance the readability of the document, deletions are not included.

- **Reference documents:** Consolidated text of CY and IE Presidency proposals in 11056/13; LT Presidency proposal for revised recitals in 11956/13 and MS comments in 13490/13.

Proposal for a
COUNCIL DIRECTIVE
on consular protection for citizens of the Union abroad
(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Citizenship of the Union is the fundamental status of nationals of the Member States. The right to **enjoy**, in the territory of a third country in which the Member State of which they are the nationals is not represented, **the** protection by the diplomatic or consular authorities of another Member State on the same conditions as the nationals of that State, is one of the specific rights that point (c) of Article 20(2) of the Treaty grants to citizens of the Union.
- (2) The Treaty of Lisbon reinforced the status of citizenship of the Union and strengthened the rights attached to it. Article 23 of the Treaty provides for the adoption of directives establishing the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union. Pursuant to action 8 of the "EU Citizenship Report 2010 - Dismantling the obstacles to EU citizens' rights" the Commission committed to increase the effectiveness of the right of citizens of the Union to be assisted in third countries, including in times of crisis, by the diplomatic and consular authorities of all Member States, by proposing legislative measures in 2011 and by better informing citizens via a dedicated website and targeted communication measures.

- (3) In its Communication of 23 March 2011 on consular protection for unrepresented citizens of the Union the Commission reiterated that commitment and announced that it would submit legislation establishing the coordination and cooperation measures necessary to facilitate consular protection for unrepresented citizens and addressing the issue of financial compensation for consular protection in crisis situations.
- (4) The values on which the Union is founded include solidarity, non-discrimination and respect for human rights; in its relations with the wider world the Union should uphold its values and contribute to the protection of its citizens. The fundamental right to consular protection of unrepresented citizens of the Union under the same conditions as nationals, enshrined in Article 46 of the Charter of Fundamental Rights of the European Union, is an expression of European solidarity. It provides an external dimension to the concept of citizenship of the Union and strengthens the identity of the Union in third countries.
- (5) Decision 95/553/EC of the Representatives of the Governments of the Member States meeting within the Council of 19 December 1995 regulates protection for citizens of the European Union by embassies and consulates and provides for a review, five years after its entry into force in 2002.
- (6) The aim of this Directive, which repeals Decision 95/553/EC, is to lay down the cooperation and coordination measures necessary to further facilitate consular protection for unrepresented citizens of the Union. Those measures should enhance legal security as well as efficient cooperation and solidarity among consular authorities.
- (7) In accordance with point (c) of Article 20(2) and Article 23 of the Treaty, Member States should provide consular protection to unrepresented citizens on the same conditions as to their own nationals. This Directive **does not affect** Member States' **competence to determine the scope of the protection** to be provided to their own nationals.
- (8) This Directive does not concern the relations of Member States with third countries, in particular their rights and obligations arising from international agreements that Member States apply in accordance with Union law as provided for in Article 351 TFEU. The Vienna Convention on consular relations provides that Member States may provide consular protection on behalf of another Member State unless the third country concerned objects. Member States, **supported by the local consular cooperation**, should undertake the necessary measures in relation to third countries to ensure that consular protection on behalf of other Member States can be provided.
- (9) Where unrepresented citizens need protection in third countries efficient cooperation and coordination is required. The assisting Member State present in a third country and the Member State of origin of the citizen should cooperate closely. Local consular cooperation may be more complex for unrepresented citizens, as it requires coordination with authorities not represented on the ground, including **where relevant** with the nearest regionally responsible representations. To fill the gap caused by the absence of an embassy or consulate of the citizen's own Member State, a clear and stable set of rules should be laid down. Existing measures need to be clarified to ensure effective protection.

- (10) Citizens of the Union are unrepresented in a third country if their Member State of nationality **has no embassy or consulate established there on a permanent basis** or does not have an accessible embassy or consulate there. The notion of accessibility should be interpreted with a view to ensuring **the effectiveness of the right of unrepresented citizens to be protected by another Member State' embassy or consulate in a non discriminatory way**, taking into account the circumstances of each particular case. **Citizens of the Union should not be considered to be unrepresented in a third country if an honorary consul representing their Member State of nationality is effectively in a position to provide protection to them in a given case.**
- (11) In accordance with the right to respect for private and family life as recognised in Article 7 of the Charter of Fundamental Rights of the European Union, the assisting Member State **may** provide protection to third-country family members of citizens of the Union. Any definition as to which persons are family members **eligible for protection** should draw inspiration from Articles 2 and 3 of the Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. Member States may not be in a position to deliver **certain** types of consular protection to third-country family members; in particular, emergency travel documents are not issued. In accordance with Article 24 of the Charter, the best interests of the child, as provided for in the United Nations Convention on the Rights of the Child of 20 November 1989, should be a primary consideration.
- (12) Unrepresented citizens should be able to seek consular protection from the embassy or consulate of any Member State. However, this should not prevent Member States from entering **practical** arrangements for the purpose of **effectively managing applications for consular protection from unrepresented citizens in accordance with this Directive. Such arrangements should be beneficial to citizens, since they may allow for better preparedness to provide effective protection.** Any Member State that receives a request for protection is required to assess whether, in that specific case, effective protection of the citizen concerned would be compromised by simply applying such an arrangement. It should assess whether it is necessary to deal with the request or whether the case can be transferred to the embassy or consulate which is designated as competent according to the specific arrangement in place. Any such arrangement should be notified to the Commission **and to the European External Action Service (EEAS)** and published **by the EU and Member States to ensure transparency for unrepresented citizens.**
- (13) **The traditions regarding the competences of honorary consuls diverge among Member States. Considering that honorary consuls often fulfil their mission on a voluntary basis, it should be left to Member States to decide whether or not honorary consuls should provide assistance to unrepresented citizens on the same conditions as to the nationals of the Member State they represent.**

- (14) **Requests for protection should be processed** if applicants establish that they are citizens of the Union. **However**, unrepresented citizens in need of consular protection may no longer be in possession of their identity documents. The fundamental status of citizenship of the Union is conferred directly by Union law and identity documents are of merely declaratory value. If applicants are unable to provide identity documents, they should therefore be able to prove their identity by any other means, if necessary following verification with the authorities of the Member State of which the applicant claims to be a national. **With regard to third-country family member(s) accompanying the applicant, the authorities of the applicant should also be able to assist the assisting Member State in verifying the identity and existence of a family relationship with the applicant.**
- (15) In order to clarify which coordination and cooperation measures are necessary, the scope of the cooperation and coordination measures should be specified. Consular protection for unrepresented citizens includes assistance in a number of typical situations, such as in case of arrest or detention, serious accident or serious illness and death, as well as with regard to providing relief and repatriation in case of distress and the issuance of emergency documents. Since the necessary protection always depends on the factual situation, consular protection should not be limited to the situations specifically mentioned in this Directive.
- (16) **Where applicable, citizens' wishes, including as to whether family members or other related persons should be informed, should be duly respected. Similarly, in the event of death, due account should be taken of the wishes of the next-of-kin concerning the arrangements to be made with regard to the remains of the deceased citizen.**
- (17) Member States' authorities should closely cooperate and coordinate with one another and with the Union, the European External Action Service and the European Commission, in a spirit of mutual respect and solidarity. To ensure swift and efficient cooperation relevant contact persons in the Member States should be notified and continuously updated **by Member States** through the secure website of the European External Action Service (Consular On-Line).
- (18) In third countries the Union is represented by the Union delegations, which together with the diplomatic and consular missions of the Member States contribute to the implementation of the right of citizens of the Union regarding consular protection as specified further in Article 35 of the Treaty on European Union. **This Directive should fully recognise, and further enhance, the contribution already provided by the EEAS and by Union delegations, in particular during crisis situations, subject to available means and resources. In particular, Union delegations should contribute, upon request from one or several Member States, to supporting their embassies and consulates with available logistical support. As regards local cooperation, a Member State should chair the meetings jointly with the Union delegation, unless it is considered by Member States to be more appropriate that a Member State chairs the meetings.**

- (19) Regarding coordination on the ground, competences and respective roles should be clarified in order to ensure that unrepresented citizens are fully taken care of in accordance with the non-discrimination principle. Local consular cooperation, **with the support of the EU delegation**, should pay due attention to unrepresented citizens, for example by collecting relevant contact details of the nearest regional embassies and consulates of Member States. In these meetings, **represented** Member States should consider the need to set up **practical** arrangements to ensure that unrepresented citizens are effectively protected and should, wherever necessary, agree on such arrangements. **They may for example consider that such an agreement is not necessary if the number of unrepresented citizens is small.**
- (20) A clear division of responsibilities **between represented and unrepresented Member States and, where appropriate, the Union delegation** is essential to ensure **adequate preparedness and management of crisis**. Crisis contingency planning should therefore fully include unrepresented citizens and national contingency plans should be coordinated. **Member States should ensure that unrepresented citizens, embassies and consulates as well as Union delegations are duly informed about these arrangements.**
- (21) Interoperability between consular and other crisis experts should be enhanced, in particular through their participation in multi-disciplinary crisis teams, such as those under the **EEAS crisis response and operational coordination and crisis management structures and under** the EU Civil Protection Mechanism.
- (22) **The support of the Union Civil Protection Mechanism may be requested if needed for the consular protection of the unrepresented citizens¹. This support could be requested for instance by the Lead State or the Member State(s) coordinating the assistance.**
- (23) **For the purpose of this Directive, the Lead State is one or more Member State(s) in a given third country, in charge of coordinating and leading assistance of unrepresented citizens in case of crisis. The concept of Lead State, as established in the Guidelines on the implementation of the consular Lead State², may be further developed in that context, provided this is done in compliance with EU law, in particular with this Directive.**
- (24) Mutual solidarity and cooperation also encompasses financial matters. Those Member States who provide financial assistance and/or repatriation to their own citizens do so as a last resort and only in cases where citizens cannot obtain financial means in other ways, such as through transfers by family members or relatives. Unrepresented citizens should be provided with financial assistance and/or repatriation under the same conditions as the nationals of the assisting Member State. If the cost of financial assistance or repatriation should, according to the law or practice of the assisting Member State, be borne by the assisted citizen, this should also apply to unrepresented citizens. The latter may be required by their Member State of nationality to repay the financial assistance or repatriation costs, plus any fee if applicable.

¹ As established by Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism XXXX/2013.

² OJ C 307/6, 12.12.2008 (Council document 2008/C307/06).

- (25) This Directive cannot be relied on by Union citizens in the event of abuse. When an unrepresented citizen requests assistance in the form of financial assistance or repatriation, the assisting embassy or consulate should, **when the circumstances permit and** except in cases of extreme urgency, contact the citizen's Member State of nationality in order to obtain relevant information for the purpose of ensuring that an unrepresented citizen does not abusively take advantage of his or her right to consular protection under point (c) of Article 20(2) of the Treaty. The Member State of nationality should provide any relevant information in the case concerned without delay.
- (26) Financial burden-sharing and reimbursements should be ensured. Where assistance has been granted to an unrepresented citizen in the form of financial assistance or repatriation, the Member State of nationality of the citizen should reimburse the assisting Member State for the costs incurred **on its written request. It should be for the assisting Member State(s) to decide whether to seek reimbursement of the costs incurred. The assisting Member State and the assisted Member State may mutually agree on how the costs should be reimbursed.**
- (27) Financial procedures should be simplified for crisis situations. Given the specificities of such situations, such as the need for a quick response regarding a considerable number of citizens, no undertaking to repay should be necessary for the assisting Member State in order to seek reimbursement from the Member State(s) of nationality. The Member State of nationality of the unrepresented citizen should be obliged to reimburse the assisting Member State for the costs incurred. It should be for the assisting Member State(s) to decide whether to seek reimbursement of the costs incurred and in which form. **The assisting Member State and the assisted Member State may mutually agree on how the costs should be reimbursed.** In the event of a crisis which has or may have an adverse impact on an important number of citizens of the Union, and upon request of the assisting Member State, costs could be reimbursed by the assisted Member States on a pro-rata basis, by dividing the costs incurred by the number of citizens assisted.
- (28) **The operation of this Directive on the ground should be reviewed two years after its transposition deadline. In particular, the prospects of entrusting the Union delegations with a wider range of tasks should be evaluated. The possible need to review the financial procedures should also be assessed in the light of the information to be provided by the Member States on the implementation and practical application of the Directive, including any relevant statistics and cases. In its report, the Commission should consider the need for any additional measures, including where appropriate, by proposing amendment of this Directive with a view to facilitate the exercise of the right of Union citizens' right. As provided for in Article 3 of Decision 2010/427/EU, the EEAS will provide its support in the preparation of this report**
- (29) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data governs the processing of personal data carried out in the context of this Directive by Member States.
- (30) This Directive should not affect more favourable national provisions in so far as they are compatible with this Directive.
- (31) *[Possible new standard recital on explanatory documents replacing last part of Art 15(1), 2nd sentence, relating to correlation tables (to be proposed by COM).]*

- (32) This Directive aims to promote consular protection as recognised in the Charter of Fundamental Rights of the European Union. It respects the fundamental rights and observes the principles recognised in particular by the Charter, notably the principle of non-discrimination, life and integrity of the person, private and family life, the rights of the child and of the defence and the right to a fair trial. This Directive should be implemented in accordance with those rights and principles.
- (33) In accordance with the prohibition of discrimination contained in the Charter, Member States should implement this Directive without discrimination between the beneficiaries of this Directive on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or beliefs, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

CHAPTER 1

General provisions

Article 1

Subject matter

1. This Directive lays down the coordination and cooperation measures, necessary to facilitate the exercise of the right, as referred to in point c of Article 20(2) of the TFEU, of citizens of the Union to **enjoy**, in the territory of a third country in which the Member State of which they are nationals is not represented, **the** protection by the diplomatic and consular authorities of another Member State, on the same conditions as the nationals of that Member State.
2. This Directive does not deal with the relationship of Member States to third countries.

Article 2

General principle

1. Member States' embassies or consulates shall provide consular protection to unrepresented citizens **as defined in Article 3** on the same conditions as to their own nationals.
2. **Member States may decide that Paragraph 1 shall not apply to the consular protection provided by honorary consuls.**

Article 3

Beneficiaries

1. **For the purposes of this Directive, "unrepresented citizens" shall mean**
 - (a) every citizen holding the nationality of a Member State of the Union which is not represented in a third country as defined in Article 4;
 - (b) citizens holding the nationality of more than one Member State of the Union who are not represented by an embassy or consulate of any of their Member States of nationality in a third country as defined in Article 4.
2. Family members of unrepresented citizens who themselves are not citizens of the Union shall **only** be eligible for consular protection in accordance with the law or practice of the assisting Member State, under the same conditions as the family members of its own nationals who themselves are not citizens of the Union.

Article 4

Absence of representation

1. **A Member State is not represented in a third country if it has no embassy or consulate established there on a permanent basis.**
2. **For the purposes of this Directive**, a Member State **shall not be considered to be** represented in a third country if it has no accessible embassy or consulate established on a permanent basis in that country. An embassy or consulate established on a permanent basis **shall be considered** accessible if it is in a position to **effectively** provide protection in a given case.

Article 5

Access to consular protection and practical arrangements

1. Unrepresented citizens shall be entitled to seek protection from the embassy or consulate of **another** Member State.
2. **Without prejudice to Article 2**, a Member State may represent another Member State on a permanent basis and Member States' **embassies or consulates** may conclude **practical arrangements for the effective management of applications for consular protection from unrepresented citizens. Such arrangements shall be notified to the Commission and to the EEAS with a view to their publication by the EU and Member States.**
3. **With respect to cases in which a practical arrangement has been concluded as provided for in Paragraph 2**, an embassy or consulate from which the unrepresented citizen seeks consular protection, and which is not designated as competent according to the specific arrangement in place, shall ensure that the application from the citizen is redirected to the relevant embassy or consulate, unless effective protection is compromised, in particular if the urgency of the matter requires immediate action **by the requested embassy or consulate.**

Article 6

Identification

1. The applicant shall establish that he or she is a citizen of the Union by producing a passport or identity card.
2. If the citizen is unable to produce a valid passport or identity card, nationality may be proven by any other means, if necessary **including** verification by the assisting Member State with the diplomatic or consular authorities of the Member State of which the applicant claims to be a national.
3. **With respect to** family members referred to in Article 3(2), the identity and existence of the family relationship **may be proven by any means, if necessary including verification by the assisting Member State with the diplomatic or consular authorities of the Member State of which the applicant referred to in paragraph 1 claims to be a national.**

Article 7

Types of assistance

The consular protection **referred to in Article 2** may include assistance in the following situations:

- (a) arrest or detention;
- (b) being a victim of crime;
- (c) serious accident or serious illness;
- (d) death;
- (e) relief and repatriation in case of emergency;
- (f) need for emergency travel documents³.

³ As provided for in Decision 96/409/CFSP of the representatives of the governments of the Member States, meeting within the Council on the establishment of an emergency travel document. OJ L 168, 16.7.1996, p. 4.

CHAPTER 2

Coordination and cooperation measures

Article 8

General rules

1. Member States' diplomatic and consular authorities shall closely cooperate and coordinate with one another and with the Union to ensure protection of unrepresented citizens **in accordance with Article 2**.
2. When an embassy or consulate assists an unrepresented citizen **pursuant to Article 2, or is informed of the death, arrest or detention of an unrepresented citizen or of a case in which an unrepresented citizen has been victim of a crime or suffered a serious accident or serious illness, the embassy or consulate** shall contact the Ministry of Foreign Affairs of the citizen's Member State of nationality, or its nearest regionally responsible embassy or consulate, **and provide it with all the relevant information at its disposal**. The embassy or consulate shall facilitate the exchange of information between the citizen concerned and the authorities of the citizen's Member State of nationality. **If requested**, the latter shall provide the embassy or the consulate with all the relevant information in the case concerned and, if necessary, it shall liaise with the citizen's **or, as the case may arise, the deceased citizen's**, family members or other related person or authorities.
3. The relevant contact persons in the Ministries of Foreign Affairs **shall be notified by Member States** to the European External Action Service **through** its secure internet site.

Article 9

The role of Union delegations

Upon request from Member States, the Union delegations shall contribute to local and crisis cooperation and coordination by providing available logistical support, including office accommodation and organisational facilities, such as temporary accommodation for consular staff and for intervention teams. The Union delegations shall also facilitate the exchange of information between Member States' embassies and consulates and, if appropriate, with local authorities.

Article 10

Local cooperation

Local cooperation meetings shall include a regular exchange of information on unrepresented citizens, on matters such as safety of citizens, prison conditions, consular notification and access **and crisis cooperation. In these meetings, Member States shall consider the need to set up and agree, wherever necessary, practical arrangements to ensure that unrepresented citizens are effectively protected in the third country concerned.** Unless otherwise agreed **by Member States**, the Chair shall be a representative of a Member State, **jointly with** the Union Delegation. The Chair shall collect and regularly update contact details and share them with the local embassies and consulates and the Union delegation.

Article 11

Crisis preparedness and cooperation

1. Local contingency planning shall include unrepresented citizens. Member States represented in a third country shall coordinate contingency plans among themselves and with the Union delegation to ensure that unrepresented citizens are fully assisted in the event of a crisis **and inform unrepresented citizens of crisis preparedness arrangements** under the same conditions as nationals. **The nearest regionally responsible embassies or consulates shall be fully informed and involved, where relevant.**
2. In the event of a crisis, Member States and the Union shall closely cooperate to ensure efficient assistance to unrepresented citizens. They shall inform each other of available evacuation capacities in a timely manner. Upon their request Member States may be supported by intervention teams at Union level including consular experts, in particular from the unrepresented Member States.
3. In the event of a crisis, **the Lead State** or the Member State(s) coordinating the assistance shall be in charge of coordinating and leading **any evacuation or other support being provided** for unrepresented citizens, with the support of the other Member States concerned and that of the Union delegation. Member States shall provide the Lead State or the Member State(s) coordinating assistance with all relevant information regarding their unrepresented citizens present in a crisis situation. The Lead State or the Member State(s) coordinating the assistance shall provide a contact point for unrepresented Member States through which they can receive information about their citizens and coordinate the necessary assistance. The Lead State or the Member State(s) coordinating assistance for unrepresented citizens may seek, if appropriate, support from instruments such as the crisis management structures of the European External Action Service and the EU Civil Protection Mechanism.

CHAPTER 3

Financial procedures

Article 12

General rule

1. **The costs of financial assistance or repatriation provided for an unrepresented citizen pursuant to Articles 2 and 8(2) shall be reimbursed by the citizen's Member State of nationality to the assisting Member State.**
2. **For requests for consular protection from unrepresented citizens involving** financial assistance or repatriation, the following procedure shall apply:
 - (a) **except in cases of extreme urgency** the assisting embassy or consulate shall **consult** with the citizen's Member State of nationality **in accordance with Article 8(2);**
 - (b) if required by the assisting embassy or consulate, the citizen's Member State of nationality shall, without delay, provide the necessary information concerning the request;
 - (c) the unrepresented citizen shall undertake to repay to his or her Member State of nationality the full value of any financial assistance or cost incurred, plus any consular fee(s) if applicable **using the standard form set out in the Annex;**
 - (d) on written request from the assisting Member State **using the standard form set out in the Annex**, the citizen's Member State of nationality shall reimburse, **within a reasonable period of time which should not exceed 12 months**, the full value of any financial assistance or cost incurred.

Article 13

Facilitated procedure in crisis situations

1. In crisis situations, the assisting Member State shall submit any requests for reimbursement of the costs **of evacuation or other support provided to an unrepresented citizen** to the Ministry of Foreign Affairs of the citizen's Member State of nationality. The assisting Member State may seek such reimbursement even if the unrepresented citizen has not signed an undertaking to repay pursuant to point c of Article 12.

This paragraph shall not prevent the citizen's Member State of nationality from pursuing repayment from the citizen concerned on the basis of national rules.

2. **The costs referred to in paragraph 1 may** be reimbursed by the citizen's Member State of nationality on a pro-rata basis, by dividing the **full value of the actual costs incurred** by the number of citizens assisted, if the assisting Member State so requests.

3. Where the assisting Member State was financially supported via assistance from the EU Civil Protection Mechanism, any contribution from the citizens' Member State of nationality shall be determined after deduction of the Union's contribution.

CHAPTER 4

Final provisions

Article 14

More favourable treatment

Member States may introduce more favourable provisions in so far as they are compatible with this Directive.

Article 15

Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] at the latest.

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

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

Article 16

Repeal

Decision 95/553/EC is repealed with effect from [...].

Article 17

Monitoring, evaluation and review

1. Member States shall provide the Commission with all relevant information regarding the **implementation and application** of this Directive. **On the basis of the information provided**, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation and application of this Directive **two years after the implementation deadline of the Directive**.
2. The report shall, in particular, address the way in which this Directive has operated and evaluate
 - the prospects for entrusting the Union delegations with any additional tasks and
 - in the light of the information provided by Member States, whether there is any need to review the financial procedures with a view to ensuring an adequate burden sharing among Member States.

In this report, the Commission shall consider the need for additional measures, including, where appropriate, amendments to adapt this Directive with a view to further facilitating the exercise of Union citizens' right to consular protection referred to in Article 1.

Article 18

Entry into force

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

Article 19

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

A. Form of the request for reimbursement (Article 12)

1. Requesting Member State's embassy or consulate
2. Citizen's Member State of nationality
(nearest regionally responsible embassy or consulate or Ministry of Foreign Affairs)
3. Identification of the event

(date, place)

4. Data of assisted citizen(s) (to be attached separately)

Full name	Place and date of birth	Name and number of the travel document	Kind of assistance provided	Costs
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5. Total costs
6. Bank account for the reimbursement
7. Attachment: undertaking to repay (if applicable)

B. Common format – undertaking to repay (financial aid)

COMMON FORMAT UNDERTAKING TO REPAY (FINANCIAL ADVANCE)

I, (Mr/Mrs/Ms/Miss) (full name in block capitals)
.....
holder of passport No.....issued at.....
hereby acknowledge receipt from the Embassy/Consulate of.....
.....at.....
of the sum of.....
as an advance for the purpose of.....
.....(including any applicable fee)
and undertake and promise to repay on demand to the Ministry of Foreign Affairs/Government
of.....
.....
in accordance with the national law of that country the equivalent of the said sum in
(currency).....
at the rate of exchange prevailing on the day on which the advance was made.

My address (*) (in block capitals) (country).....
is:.....
.....
.....

DATE.....SIGNATURE.....

(*) if you have no permanent address, please indicate a contact address.

C. Common format undertaking to repay (repatriation)

COMMON FORMAT UNDERTAKING TO REPAY (REPATRIATION)

I, (Mr/Mrs/Ms/Miss) (full name in block capitals)

.....

born at (town).....in (country).....

on (date).....

holder of passport No.....issued at.....

on.....and ID No.....

hereby undertake to repay on demand to the Government of.....

.....in accordance with the national law of that country the equivalent of all costs as paid

on my account or advanced to me by the consular officer of

the.....Government at.....

for the purpose of, or in connection with, the repatriation to.....

of myself and the members of my family accompanying me, and to pay all appropriate consular fees

in respect of the repatriation.

These are:

(i) (*)Fares

Subsistence

Miscellaneous costs

LESS the contribution made by me

CONSULAR FEES:

Repatriation fee

Attendance fee

Passport/emergency fees

(...hours at...per hour...)

(ii) (**) All sums on my account for the purpose of, or in connection with, the repatriation of myself and the members of my family accompanying me which cannot be determined at the time this undertaking to repay is signed by me.

My address (***) (in block capitals)

(country).....is:...

.....

.....DATE.....

.....SIGNATURE.....

(*) Delete as appropriate: The Consular Officer and the applicant should initial each delegation in the margin.

(**) Delete as appropriate: The Consular Officer and the applicant should initial each delegation in the margin.

(***) If you have no permanent address, please indicate a contact address.
