

Procedure file

Basic information		
CNS - Consultation procedure Directive	2018/0186(CNS)	Procedure completed
EU Emergency Travel Document		
Subject 1.20.20 Diplomatic and consular protection		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 GÁL Kinga	09/07/2018
		Shadow rapporteur	
		 CHINNICI Caterina	
		 VALERO Bodil	
	Committee for opinion	Rapporteur for opinion	Appointed
 Foreign Affairs	The committee decided not to give an opinion.		
 Legal Affairs	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3702	18/06/2019
European Commission	Commission DG	Commissioner	
	Justice and Consumers	JOUROVÁ Věra	

Key events			
31/05/2018	Legislative proposal published	COM(2018)0358	Summary
10/09/2018	Committee referral announced in Parliament		
03/12/2018	Vote in committee		
06/12/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0433/2018	Summary
16/01/2019	Results of vote in Parliament		
16/01/2019	Decision by Parliament	T8-0027/2019	Summary

18/06/2019	Act adopted by Council after consultation of Parliament		
18/06/2019	End of procedure in Parliament		
20/06/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0186(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 023 -a2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/13535

Documentation gateway

Legislative proposal	COM(2018)0358	31/05/2018	EC	Summary
Document attached to the procedure	SWD(2018)0272	31/05/2018	EC	
Document attached to the procedure	SWD(2018)0273	31/05/2018	EC	
Committee draft report	PE627.613	28/09/2018	EP	
Amendments tabled in committee	PE629.775	08/11/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0433/2018	06/12/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0027/2019	16/01/2019	EP	Summary
Commission response to text adopted in plenary	SP(2019)150	27/02/2019	EC	

Final act

[Directive 2019/997](#)
[OJ L 163 20.06.2019, p. 0001](#) Summary

EU Emergency Travel Document

PURPOSE: to establish a new European Union emergency travel document (EU ETD) with security features that reflect current practices.

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: EU citizens are entitled to seek help from the embassy or consulate of any EU Member State if they need assistance outside the EU, and there is no embassy or consulate from their own Member State to help them (that is, if they are unrepresented).

Member States must assist unrepresented EU citizens on the same conditions as they assist their own nationals. This right, enshrined in Articles 20(2)(c) and 23 of the Treaty on the Functioning of the European Union (TFEU) and in Article 46 of the Charter of Fundamental Rights of the European Union, is an expression of EU solidarity and one of the practical benefits of being an EU citizen.

[Council Directive \(EU\) 2015/637](#) gives effect to that right by laying down the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union.

One form of assistance provided to unrepresented citizens is the issuance of emergency travel documents (ETDs). ETDs are documents issued to citizens when their passports or travel documents have been lost, stolen or destroyed or are temporarily unavailable. In 1996, [Decision 96/409/CFSP](#) introduced a common format emergency travel document (the EU ETD), to be issued by Member States to unrepresented EU citizens in third countries (that is, countries outside the EU).

Lost or stolen passports make up more than 60% of the cases of consular assistance. However, the current emergency travel documents do not meet modern security standards and offer little protection against fraud and counterfeit. As a result, some third countries are reluctant to accept them and some Member States have stopped using them for their own citizens.

There is now a need to update the rules of Decision 96/409/CFSP and the format of the EU ETD. Recent changes to EU rules on consular protection are not reflected in Decision 96/409/CFSP, and the EU ETD in its current form is not adapted to the current global security environment.

The European Parliament, in its [resolution](#) on the 2017 Citizenship Report, called on the Commission to make a proposal for a new, more secure format for the EU ETD. The Commission Work Programme 201813 includes the review of the proposal for a Council directive to replace the Decision on the establishment of an emergency travel document (REFIT).

IMPACT ASSESSMENT: the impact assessment considered a number of possible policy options. The preferred option being to introduce new legislation establishing an EU ETD with enhanced security features. Member States and the EU would benefit from the increased security features of the new EU ETD. Increased use of the new document has the potential to increase its acceptance by third countries, and the adoption of up-to-date standards for machine-readability should result in easier border processing at the borders. A more secure EU ETD format, multilingual and produced at EU-level, can also be a cost-efficient alternative for Member States considering replacing any outdated national ETDs.

CONTENT: this proposed Directive lays down rules on the conditions and procedure for unrepresented citizens in third countries to obtain an EU Emergency Travel Document (EU ETD) and establishes a uniform format for such documents.

It aims to establish the measures necessary to facilitate consular protection for the most frequent type of consular assistance provided to unrepresented citizens, namely the issuance of emergency travel documents. This objective is to be achieved by establishing a standardised procedure of cooperation between the Member States for the issuance of emergency travel documents in a uniform format based on improved security features. This shall allow citizens to exercise their right to consular protection effectively and in a more secure environment.

The main points of the proposal are as follows:

Format: the proposal lays down the uniform format to be used for EU ETDs, consisting of a uniform form and sticker and shall contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification. The relevant data on the recipient of an EU ETD is printed on the sticker, which is then affixed to the form.

Issuing procedure: where a Member State receives an application for an EU ETD, it shall, within 24 hours, consult the Member State of nationality for the purpose of verifying the nationality of the applicant. The assisting Member State shall provide the Member State of nationality with all relevant information, including: (i) the data on the applicant to be included on the EU ETD sticker; (ii) a facial image of the applicant, to be taken, save in exceptional circumstances, by the authorities of the assisting Member State on the day of the application.

Within 36 hours after receipt of the information, the Member State of nationality shall confirm whether the applicant is its national. In crisis situations, the assisting Member State may issue an EU ETD without prior consultation of the Member State of nationality.

Validity: an EU ETD shall be valid for the period required for completion of the journey for which it is issued. In calculating that period, allowance shall be made for necessary overnight stops and for making travel connections. The period of validity shall include an additional period of grace of two days. Save in exceptional circumstances, the validity of an EU ETD shall not exceed 15 calendar days.

Monitoring: Member States shall be obliged to monitor the application of the Directive and to supply information to the Commission on a yearly basis.

Evaluation: no sooner than five years after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a report on the main findings, including on the appropriateness of the level of security of personal data.

EU Emergency Travel Document

The Committee on Civil Liberties, Justice and Home Affairs adopted, in the framework of a special legislative procedure (consultation of the Parliament), the report by Kinga GÁL (EPP, HU) on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP.

The proposal for a Directive repealing Decision 96/409 / CFSP aims to establish a new, more secure, model for an EU Emergency Travel Document (EU ETD) 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 committee recommended that the European Parliament approve the Commission proposal subject to the following amendments:

Procedure

The proposal provides that where a Member State receives an application for an EU ETD, it shall, within 24 hours, consult the Member State of nationality for the purpose of verifying the nationality of the applicant. 2. The assisting Member State shall provide the Member State of nationality with all relevant information, including the data on the applicant to be included on the EU ETD sticker in accordance with Annex II and a facial image of the applicant.

Members considered that within 24 hours after receipt of the information (rather than 36 hours), the Member State of nationality shall respond to the consultation. In duly justified exceptional cases, Member States may take shorter or longer than these time-limits.

Evaluation

No sooner than three years after the date of transposition of this Directive, the Commission shall present a report on the main findings to the European Parliament and the Council, including on the appropriateness of the level of security of personal data, and the impact on fundamental rights.

EU Emergency Travel Document

The European Parliament adopted by 600 votes to 35, with 6 abstentions, in the framework of a special legislative procedure (consultation of the Parliament), a legislative resolution on the proposal for a Council directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP.

The proposal for a Directive repealing Decision 96/409/CFSP aims to establish a new, more secure, model for an EU Emergency Travel Document (EU ETD) 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.

Parliament approved the Commission proposal subject to the following amendments:

Procedure

The proposal provides that where a Member State receives an application for an EU ETD, it shall, within 24 hours, consult the Member State of nationality for the purpose of verifying the nationality of the applicant. 2. The assisting Member State shall provide the Member State of nationality with all relevant information, including the data on the applicant to be included on the EU ETD sticker in accordance with Annex II and a facial image of the applicant.

Members considered that within 24 hours after receipt of the information (rather than 36 hours), the Member State of nationality shall respond to the consultation. In duly justified exceptional cases, Member States may take shorter or longer than these time-limits.

Data retention

The assisting Member State and the Member State of nationality shall retain the personal data of an applicant for no longer than 90 days after the end of the validity of the EU ETD issued. Upon expiry of the retention period, the personal data of an applicant shall be erased. Anonymised data may be kept if necessary for the monitoring and evaluation of this Directive.

Evaluation

No sooner than three years after the date of transposition of this Directive, the Commission shall present a report on the main findings to the European Parliament and the Council, including on the appropriateness of the level of security of personal data, and the impact on fundamental rights.

EU Emergency Travel Document

PURPOSE: to establish a new European Union Emergency Travel Document (EU ETD) to facilitate consular protection for unrepresented citizens in third countries through the issuance of secure and widely accepted provisional travel documents.

LEGISLATIVE ACT: Council Directive (EU) 2019/997 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP.

CONTENT: the Directive repealing Decision 96/409/CFSP defines the conditions and procedure for unrepresented citizens in third countries to obtain an EU Emergency Travel Document (EU ETD) and establishes a uniform format for such documents.

European Union Emergency Travel Document (EU ETD)

An EU ETD is a document authorising a single-journey document, allowing the bearer to return home, or, exceptionally, to another destination, in the event that they do not have access to their regular travel documents, for example because they were stolen or lost. Unrepresented citizens should be able to apply for an EU ETD at the embassy or consulate of any Member State.

This Directive updates and simplifies formalities for unrepresented EU citizens so that they can be issued a temporary travel document by another Member State to enable them to return home safely. It will thus enable unrepresented EU citizens to exercise their right to consular protection in an effective and safer environment.

The Directive also aims to ensure consistency between the specific conditions and procedures for the issuance of EU ETD and the general rules on coordination and cooperation measures necessary to facilitate consular protection for EU citizens not represented in third countries.

The main elements of the Directive are as follows:

Procedure

Where a Member State receives an application for an EU ETD, it shall, as soon as possible, and no later than two working days after receipt of the application, consult the Member State of nationality for the purpose of verifying the nationality and identity of the applicant.

The Member State assisting the citizen must communicate to the Member State of nationality all relevant information, in particular:

- the applicant's surname and given name(s), nationality, date of birth and sex;
- a facial image of the applicant, which should in principle be taken by the authorities of the assisting Member State on the day of the request;
- a copy or scanned copy of all available means of identification, such as an identity card or driving licence and possibly a national register number or social security number.

Within 3 days of receiving the information, the Member State of the person's nationality must confirm whether the applicant is one of its nationals. The assisting Member State shall issue the ETD at the latest within 2 working days of receiving confirmation of the applicant's

nationality.

Uniform format

The Directive defines the standard format to be used for EU ETDs, consisting of a standard form and a standard sticker. It must contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification.

Additional technical specifications

The Commission shall adopt implementing acts containing additional technical specifications for EU ETDs on the following aspects: (i) the design, format and colours of the standard EU ETD form and sticker; (ii) the requirements for materials and printing techniques of the standard EU ETD form; (iii) security features and requirements.

Validity

An EU ETD shall be valid for the period required for completion of the journey for which it is issued. In calculating that period, allowance shall be made for necessary overnight stops and for making travel connections. The period of validity shall include an additional period of grace of two days. Save in exceptional circumstances, the validity of an EU ETD shall not exceed 15 calendar days. In order to enhance security, the beneficiary of such a document shall return it to the authorities as soon as it is safe to return home.

Member States shall ensure regular monitoring of the application of the Directive.

ENTRY INTO FORCE: 10.7.2019.

TRANSPOSITION: no later than two years from the adoption of the additional technical specifications.

APPLICATION: Member States shall start implementing the agreed measures three years after the adoption of the technical specifications.