



Council of the
European Union

Brussels, 1 June 2018
(OR. en)

Interinstitutional File:
2018/0186 (CNS)

9643/18
ADD 3

COCON 9
VISA 134
FREMP 90

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	31 May 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2018) 272 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document Proposal for a COUNCIL DIRECTIVE establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP

Delegations will find attached document SWD(2018) 272 final.

Encl.: SWD(2018) 272 final



Brussels, 31.5.2018
SWD(2018) 272 final

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE 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) 273 final}

Executive Summary Sheet

Proposal for a Council Directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP

A. Need for action

Why? What is the problem being addressed? Maximum 11 lines

The EU Emergency Travel Document (EU ETD) is the most common type of consular assistance provided to unrepresented EU citizens in distress in third countries. Although not issued in great numbers, the help an EU ETD provides to citizens is crucial for their return home and it represents a visible demonstration of the value of EU citizenship and solidarity between Member States. Twenty years after the introduction of the EU ETD, the following problems with its implementation have been identified:

- a lack of enforceability of the pre-Lisbon CFSP Decision 96/409/CFSP;
- legal uncertainty due to discrepancies between the Decision and the more recent Consular Protection Directive;
- EU ETD security features are outdated and negatively impact its use and acceptance;
- coordination and cooperation among Member States could be improved in order to facilitate citizens' access to the EU ETD.

What is this initiative expected to achieve? Maximum 8 lines

General objectives

- Strengthen EU citizenship by facilitating citizens' right to consular protection abroad.
- Improve security within the EU and its borders by improving the security features of the document.

Specific objectives

- Make EU ETD legislation enforceable and adapt it to Consular Protection Directive.
- Improve document security in line with trends and existing policies on improving security.
- Simplify the issuing of EU ETDs for citizens and improve cooperation between the Member States.
- Improve acceptance of EU ETDs.

What is the added value of action at EU level (subsidiarity) Maximum 7 lines

A more secure EU ETD would contribute to the security of the Union by addressing the 'weak link' among travel documents that allow entry into the EU. It would also tackle fragmentation in the use of EU ETDs and increase recognition by third countries. This would in turn reduce the risk of citizens being denied access to aircraft or transit through third countries, allowing them to more easily return home. EU action under the Lisbon Treaty would allow for effective monitoring of implementation and facilitate enforcement of this EU citizenship right.

B. Solutions

What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why? Maximum 14 lines

Three principal policy options have been 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

Discarded options:

- Soft measures (some soft measures are included in the preferred option)
- Revoking the EU ETD Decision
- Compulsory EU ETD for all citizens

The preferred option is Option 2: New legislation – EU ETD with enhanced security features.

Who supports which option? Maximum 7 lines

The Council and the European Parliament have expressed their wish to keep the common EU ETD and see it modernised, with focus given to improving its security features. Consultations with EU Member States have

shown that the vast majority of them would see Option 3 (biometric chip) as too costly and that they would prefer Option 2 (enhanced security features). For third countries, Option 2 would be sufficient for the most frequent case of return journeys home. The Commission has also expressed its wish to improve the document's security and would support Option 2. While citizens were not asked about specific security features, those who replied overwhelmingly supported a common format and improvements to the document's acceptance.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)? Maximum 12 lines

The preferred option will bring benefits in many areas, though these are not easily quantifiable.

EU citizens would be able to rely on obtaining an EU ETD from all Member States' consulates, in line with the current EU *acquis* on citizens' rights, in particular the Consular Protection Directive. They would thus benefit from a legal right to an EU ETD in more situations than is envisaged under the current EU ETD Decision and from clearer issuing procedures and deadlines.

Member States and the EU would benefit from more secure borders, due to the improved security features of the new EU ETD. The new document would also be more widely accepted and easier to process at the borders. Wider recognition would lead to financial savings for unrepresented citizens from reduced hassle costs and other savings, e.g. on hotel stays and alternative travel arrangements. The more secure EU ETD format, which will be multilingual and can be produced at EU-level, would also represent a cost-efficient alternative for Member States who are considering replacing outdated national ETDs. Finally, the Commission would be able to enforce the new EU ETD legislation and monitor its implementation.

What are the costs of the preferred option (if any, otherwise main ones)? Maximum 12 lines

The cost of the new document is expected to remain low, as the preferred option repurposes existing equipment used for visas, which is already available in EU Member States' consulates and which consular staff are trained to use. The need for any additional training for the EU ETD is thus expected to remain low.

The new EU ETD, including the ETD sticker, is expected to cost around 8 euros per document. Given that the number of ETDs issued by Member States to unrepresented citizens is estimated at around 1000 per year, the total financial impact is expected to be low. Whether the production costs for the new document will be passed on to citizens will depend on Member States' administrations. However, given the low cost of production, the potential financial impact of any increase is expected to remain low.

How will businesses, SMEs and micro-enterprises be affected? Maximum 8 lines

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. Increased acceptance would also reduce airline carriers' costs related to denial of boarding of citizens travelling on an EU ETD.

Will there be significant impacts on national budgets and administrations? Maximum 4 lines

No significant impacts are envisaged given the small numbers of EU ETDs issued, the low cost of production and low training needs.

Will there be other significant impacts? Max 6 lines

No other significant impacts are expected.

D. Follow up

When will the policy be reviewed? Maximum 4 lines

In addition to regular monitoring by the Member States, it is proposed that the Commission submit an implementation report to the European Parliament and the Council five years after the entry into application of the legislative measures.