



Brussels, 14 June 2019
(OR. en)

Interinstitutional File:
2018/0186 (CNS)

9841/2/19
REV 2 ADD 1

COCON 10
FRONT 201
VISA 124
FREMP 77

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: COM(2018) 358 final

Subject: Proposal for a COUNCIL DIRECTIVE establishing an EU Emergency
Travel Document and repealing Decision 96/409/CFSP
- Adoption

Statement by Malta

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

Malta regrets the fact that the text of the draft Council Directive establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP, as set out in Document 8596/19, does not specifically state that the field sex should be marked with an F, M or X as applicable.

Nevertheless, Malta notes that the draft Council Directive requires ICAO Standards (Document series 9303) to be applied and that those standards provide for the field sex to be marked accordingly with an F for female, M for male or X for unspecified.

Malta therefore notes that, in the implementation of this Directive, Member States should allow this field to be marked with F, M or X accordingly.

Statement by the United Kingdom

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

With regret, the UK is unable to vote positively for this directive and must abstain. The UK wishes to record its concerns about some of the requirements this directive would impose on Member States.

The UK is fully committed to its obligation to provide consular protection to unrepresented EU citizens in third countries on the same conditions as to its own nationals, and specifically to provide Emergency Travel Documents (ETD) on request. However, the UK believes this obligation is fulfilled more quickly and effectively through the continued issuing of national Emergency Travel Documents to unrepresented EU citizens. These meet all the necessary security requirements set out in this proposed Directive.

Furthermore, the UK believes a parallel system would offer a less favourable service to unrepresented EU citizens in third countries when compared with issuing them with its national ETD given the requirement to visit the Embassy in person more than once when applying for an EU ETD.

The UK also believes that the financial and operational implications of establishing a parallel system to service unrepresented EU citizens in third countries places a disproportionate burden on those Member States who already issue their own national ETDs and are able to issue these to other nationals. The UK, like some other EU Member States, has centralised visa and ETD production into a diminishing number of processing centres. Our consular staff also have no involvement in visa operations. Therefore, additional infrastructure and training would be required to implement the provisions of the proposed Directive. This would represent a disproportionate financial and operational burden given the Directive would only cover approximately 0.3% of the ETDs the UK issues each year.

Lastly, the UK understands this Directive as sitting within the context of Article 23 of TFEU which states that Member States are only obliged to provide consular protection to unrepresented EU citizens in third countries on the same conditions as they do to their own nationals. Therefore, the Directive may not oblige Member States to issue an EU ETD if it would not issue an ETD to its own nationals in the same circumstances.