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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 May 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2024) 2857 final
Subject:	COMMISSION DELEGATED DIRECTIVE (EU) .../... of 6.5.2024 amending Council Directive (EU) 2019/997 as regards the machine-readable zone of the EU Emergency Travel Document

Delegations will find attached document C(2024) 2857 final.

Encl.: C(2024) 2857 final



EUROPEAN
COMMISSION

Brussels, 6.5.2024
C(2024) 2857 final

COMMISSION DELEGATED DIRECTIVE (EU) .../...

of 6.5.2024

**amending Council Directive (EU) 2019/997 as regards the machine-readable zone of the
EU Emergency Travel Document**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Council Directive (EU) 2019/997¹ 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 document.

In accordance with Article 8 of that Directive, EU ETDs are to consist of a uniform EU ETD form and a uniform EU ETD sticker. The form and sticker are to conform to the specifications set out in Annexes I and II to that Directive and the additional technical specifications established in accordance with Article 9 of that Directive². When the uniform EU ETD sticker is filled in, the sections set out in Annex II are to be completed and the machine-readable zone filled in, in line with the standards established by part 3 of International Civil Aviation Organization (ICAO) Document 9303³.

Point 10 of Annex II to Directive (EU) 2019/997 provides that the uniform EU ETD sticker is to contain the relevant machine-readable information in line with ICAO Document 9303 to facilitate external border controls. The capital letters 'AE' are to be used as the first two characters of the machine-readable zone to designate the document as an EU Emergency Travel Document. The use of these two letters corresponded to the ICAO rules applicable at the time of adoption of Directive (EU) 2019/997⁴.

In the context of its meeting of 26 February to 1 March 2024, the ICAO Facilitation Panel endorsed the use of the capital letters 'PU' for single-sheet emergency travel documents⁵.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Before adopting this delegated act, the Commission consulted the expert group on the right of unrepresented citizens to consular protection abroad on 2 February 2024.

The European Parliament and the Council were informed of the meeting of the expert group where a draft version of this act was discussed and both institutions, therefore, received all relevant documents at the same time as Member States' experts in line with the 2016 Interinstitutional Agreement on Better Law Making⁶ and the Common understanding on Delegated Acts annexed to it.

¹ Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP (OJ L 163, 20.6.2019, p. 1 ELI: <http://data.europa.eu/eli/dir/2019/997/oj>).

² Commission Implementing Decision (EU) 2022/2452 of 8 December 2022 laying down additional technical specifications for the EU Emergency Travel Document established by Council Directive (EU) 2019/997 (OJ L 320, 14.12.2022, p. 47, ELI: http://data.europa.eu/eli/dec_impl/2022/2452/oj).

³ <https://www.icao.int/publications/pages/publication.aspx?docnum=9303>

⁴ The general rules provided that two characters, the first of which shall be A, C or I, shall be used to designate the particular type of document, with the second character being at the discretion of the issuing State or organization except that V shall not be used, and C shall not be used after A.

⁵ [FALP/13-WP/4](#) and [TAG/TRIP/4-WP/5](#).

⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinst/2016/512/oj).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

In order to achieve the objectives of Directive (EU) 2019/997, its Article 8(3) empowers the Commission to adopt delegated acts to amend Annexes I and II in response to technical progress.

To ensure that the EU ETD remains aligned with technical progress in the international standards for such documents, the Commission considers that it is necessary to replace, in point 10 of Annex II to Directive (EU) 2019/997, the reference to the capital letters 'AE' as the first two characters of the machine-readable zone with the capital letters 'PU' (Article 1 of this directive).

Pursuant to Article 19 of Directive (EU) 2019/997, Member States must transpose that Directive into national law within 24 months of the adoption of the additional technical specifications referred to in Article 9 of that Directive. Since Commission Implementing Decision (EU) 2022/2452 was adopted on 8 December 2022, this date is 9 December 2024. Member States are to apply the measures transposing Directive (EU) 2019/997 from 9 December 2025. Article 2 of this directive lays down rules for transposition that are aligned with those applicable to Directive (EU) 2019/997.

COMMISSION DELEGATED DIRECTIVE (EU) .../...

of 6.5.2024

amending Council Directive (EU) 2019/997 as regards the machine-readable zone of the EU Emergency Travel Document

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive (EU) 2019/997 of 18 June 2019 establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP¹, and in particular Article 8(3) thereof,

Whereas:

- (1) Directive (EU) 2019/997 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 document.
- (2) In accordance with Article 8 of Directive (EU) 2019/997, EU ETDs are to consist of a uniform EU ETD form and a uniform EU ETD sticker. The form and sticker are to conform to the specifications set out in Annexes I and II to that Directive and the additional technical specifications established in accordance with Article 9 of that Directive. When the uniform EU ETD sticker is filled in, the sections set out in Annex II to Directive (EU) 2019/997 are to be completed and the machine-readable zone filled in, in line with the standards established by part 3 of International Civil Aviation Organization (ICAO) Document 9303.
- (3) Point 10 of Annex II to Directive (EU) 2019/997 provides that the uniform EU ETD sticker is to contain the relevant machine-readable information in line with ICAO Document 9303 to facilitate external border controls. The capital letters 'AE' are to be used as the first two characters of the machine-readable zone to designate the document as an EU Emergency Travel Document.
- (4) When Directive (EU) 2019/997 was adopted, ICAO standards did not contain specific rules on the first two characters to be used in the machine-readable zone of emergency travel documents.
- (5) In the context of its meeting of 26 February to 1 March 2024, the ICAO Facilitation Panel endorsed the use of the capital letters 'PU' in single-sheet emergency travel documents.
- (6) To ensure that the EU ETD remains aligned with technical progress in the international standards for such documents, it is necessary to replace the reference to the capital letters 'AE' as the first two characters of the machine-readable zone in Annex II to Directive (EU) 2019/997 with 'PU'.
- (7) Directive (EU) 2019/997 should thus be amended accordingly.

¹ OJ L 163, 20.6.2019, p. 1, ELI: <http://data.europa.eu/eli/dir/2019/997/oj>

- (8) In order to ensure that Directive (EU) 2019/997 is fully in line with technical progress from the date of the commencement of its application as determined by reference to the adoption of Commission Implementing Decision (EU) 2022/2452², the technical standard laid down in this Directive should be applicable from the date that Directive (EU) 2019/997 starts to apply,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II to Directive (EU) 2019/997, point 10 is replaced by the following:

‘10. The uniform EU ETD sticker shall contain the relevant machine-readable information in line with ICAO Document 9303 to facilitate external border controls. The capital letters ‘PU’ shall be used as the first two characters of the machine-readable zone to designate the document as an EU Emergency Travel Document. The machine-readable zone shall contain a printed text in the visible background printing with the words ‘European Union’ in all the official languages of the Union. That text shall not affect the technical features of the machine-readable zone or its ability to be read.’.

Article 2

1. Member States shall adopt and publish, by 9 December 2024 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 9 December 2025.

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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 6.5.2024

For the Commission
The President
Ursula VON DER LEYEN

² Commission Implementing Decision (EU) 2022/2452 of 8 December 2022 laying down additional technical specifications for the EU Emergency Travel Document established by Council Directive (EU) 2019/997 (OJ L 320, 14.12.2022, p. 47, ELI: http://data.europa.eu/eli/dec_impl/2022/2452/oj).