



Council of the
European Union

**Brussels, 8 May 2015
(OR. en)**

**8125/15
ADD 1**

**PV/CONS 19
RELEX 308**

DRAFT MINUTES

Subject: **3382nd** meeting of the Council of the European Union
(FOREIGN AFFAIRS) held in Luxembourg on 20 April 2015

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- **Council Directive on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC**

7228/15 COCON 6 PESC 290 COTRA 3

+ COR 1 (hu)

+ REV 1 (ro)

The Council adopted the above Council Directive, the Czech Republic and the United Kingdom delegations abstaining. (Legal basis: Article 23 of the Treaty on the Functioning of the European Union)

Statement by Belgium

"Belgium has always supported the principle of better European coordination in consular assistance. Such consular assistance is provided for, inter alia, in both Article 23 TFEU and Article 46 of the Charter of Fundamental Rights. Belgium has, in this context, supported the principle that a directive on consular assistance for EU citizens abroad should be realistic and pragmatic.

Belgium will not oppose the adoption of the Directive. However, it is concerned that the ultimate aim of the Directive may not be achieved because of some of its provisions.

Belgium considers, for example, that the legally binding nature of the Directive would have justified laying down, from the outset, more detailed provisions on the reimbursement arrangements provided for in Article 14. Without prejudice to Directive 2004/38, Belgium has concerns, too, about the link between the objective set out in Article 5 of the Directive and national rules governing entry to territory. Lastly, Belgium regrets that the Directive has not provided for a greater role for EU delegations.

In addition, Belgium interprets Article 3 as enabling any Member State to decide to provide consular assistance itself to its citizens and family members accompanying them in third countries where it is not represented and to define, in that context, the level of consular assistance on the basis of the budget resources available.

It considers that these issues will have to be reviewed, in the light of the experience to be drawn from the application of the Directive, in the context of the evaluation provided for in Article 19 of the Directive."

Statement by Spain

"Spain can agree to the adoption of the Council Directive on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC on the understanding that the review referred to in Article 19 paragraph 2, will assess, based on relevant statistics and cases, whether there has been an adequate burden sharing between Member States, and will address possible imbalances that may have occurred.

Spain believes the review should evaluate the way in which this Directive has operated and its effects on the Member State's consular network, in particular regarding their financial and human resources, and consider the need for additional measures.

Furthermore, Spain recalls that represented Member States should, wherever necessary, agree locally on practical arrangements to ensure an adequate burden sharing for the protection of unrepresented citizens."

Statement by the United Kingdom

"The United Kingdom wishes to record its view that consular assistance and consular protection is a matter for Member States and it is for Member States to define how they fulfil their obligations. The United Kingdom considers that the Council Directive on "the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries" does not alter this position.

Further, the United Kingdom considers that Article 23 of the Treaty on the Functioning of the European Union provides that the role of the EU is limited to the establishment of co-ordination and co-operation measures as necessary to facilitate consular protection for citizens of the Union.

For the avoidance of doubt, the United Kingdom's position is that the Directive does not include any prescription about the level of protection that a Member State should provide nor does it include provision of consular protection by the EU itself."
