

EU Citizens – Diplomatic protection outside the EU

Every citizen of the European Union located in the territory of a third country is entitled to consular and diplomatic protection (Art. 20 of EC Treaty). Decision of EU Council of 19 December 1995 (n. 553/95) set forth the conditions for entitlement to diplomatic and consular protection as follows:

- the absence in the third country in which the citizen requesting protection is located of an accessible permanent representation (embassy, general consulate or consulate) of the citizen's own Member State;
- the absence of an accessible Honorary Consul competent for such matters of his or her own Member State or another State representing it on a permanent basis;
- production by the citizen requesting protection of proof of his or her nationality (passport, identity card or other document) for the diplomatic or consular representation approached.

The diplomatic or consular representation giving protection must treat the person seeking help as if he or she were a national of the Member State which it represents.

Assistance in the event of difficulties: mandatory protection

The protection must cover:

- assistance in the event of death;
- assistance in the event of serious accident or serious illness;
- assistance in the event of arrest or detention;
- assistance to victims of violent crime;
- the relief and repatriation of distressed citizens of the Union.

This list is not exhaustive as EU citizens may find themselves in difficulties in any number of situations in countries that are not members of the EU. In so far as it is within their powers, Member States' diplomatic representations or consular agents may therefore assist citizens in other cases if they are requested to do so.

Authorised protection: financial assistance

Other than in cases of extreme urgency, no financial advance or assistance may be given or expenditure incurred on behalf of a citizen of the Union without the permission of the competent authorities of the Member State of which that citizen is a national, such permission being given either by the Foreign Ministry or by the nearest diplomatic mission.

Unless the authorities of the Member State of the applicant's nationality expressly waive this requirement, the applicant undertakes to repay the full value of any financial advance or help and expenditure incurred plus, where applicable, a consular fee notified by the competent authorities. This requirement may be waived by the authorities of the applicant's Member State.

The undertaking to repay takes the form of a document requiring the distressed national to repay to the Government of the Member State of which he is a national any costs incurred on his behalf or money paid to him. The Government of the Member State of which the applicant is a national must reimburse all costs, on request, to the Government of the assisting Member State.

Dedicated website on Consular protection for EU citizens outside EU

http://ec.europa.eu/consularprotection/content/home_en

Further developments

On 20 April 2015, EU member States adopted Directive 2015/637 on consular protection for European citizens living or travelling outside the EU. The Directive clarifies when and how EU citizens in distress in a country outside the EU have the right to receive assistance from other EU countries' embassies or consulates. The aim is to ease cooperation between consular authorities and strengthen European citizens' right to consular protection.

http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=uriserv:OJ.L_.2015.106.01.0001.01.FRA