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REV 1

**LIMITE**

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**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Consular Affairs

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Subject: Proposal for a COUNCIL DIRECTIVE establishing an EU Emergency  
Travel Document and repealing Decision 96/409/CFSP  
- Summary note of delegations' specific comments

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On the basis of Member States' written comments (ST 11761/18 + ADD 1 + ADD 2 + ADD 3 + ADD 4 + ADD 5), delegations will find attached the above proposal with a revised summary of delegations' specific comments set out in footnotes.

All written comments, general and specific, are available in ST 11761/18 + ADD 1 + ADD 2 + ADD 3 + ADD 4 + ADD 5.

Proposal for a

**COUNCIL DIRECTIVE**

**establishing an EU Emergency Travel Document and repealing Decision 96/409/CFSP<sup>1 2</sup>**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 23(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament<sup>3</sup>,

Acting in accordance with a special legislative procedure,

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<sup>1</sup> **DE:** General reservation.

<sup>2</sup> **FI:** Parliamentary scrutiny reservation.

<sup>3</sup> OJ C , , p. .

Whereas:

- (1) Citizenship of the Union is the fundamental status of nationals of the Member States. It confers on every citizen of the Union the right to enjoy, in the territory of a third country<sup>4</sup> in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of another Member State under the same conditions as the nationals of that Member State. Council Directive (EU) 2015/637<sup>5</sup> gives effect to that right by laying down the cooperation and coordination measures necessary to facilitate consular protection for unrepresented citizens of the Union.<sup>6</sup>
- (2) Directive (EU) 2015/637 refers to emergency travel documents as one type of consular assistance to be provided by Member States' embassies and consulates to unrepresented citizens. An emergency travel document (ETD) is a single-journey document, allowing the bearer to return home, or, exceptionally, to another destination, in the event that they do not have access to their regular travel documents, for example because they were stolen or lost.<sup>7</sup>

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<sup>4</sup> **EL:** Para 1 and 10 of the preamble. Contradictory meaning. Issuing ETD "in the territory of a third country" (para 1) vs. issuing ETDs to unrepresented citizens "within the territory of the Union" (para 10).

<sup>5</sup> Council Directive (EU) 2015/637 of 20 April 2015 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 (OJ L 106, 24.4.2015, p. 1).

<sup>6</sup> **FI:** the issuance of an emergency travel document is not a universal consular service. In the case of Finland, consular services are not provided in all missions, and the proposal should therefore not oblige the MS to issue an EU ETD in all missions.

<sup>7</sup> **LT:** notices that the definition/list of documents is different in Article 3, Article 4(6) and (7) as well as Article 7. The definition/list should be aligned though all the text of the Directive and a clearer implication for definition 'another destination' would be appreciated.

- (3) Decision 96/409/CFSP of the Representatives of the Governments of the Member States<sup>8</sup> established a common emergency travel document for issue by Member States to citizens of the Union in places where those citizens' Member State of nationality have no permanent diplomatic or consular representation. It is now necessary to update the rules of that Decision and to establish a modernised and more secure format for the EU Emergency Travel Document (EU ETD). Consistency should be ensured between the specific conditions and procedure for issuing EU ETDs and the general rules on consular protection laid down by Directive (EU) 2015/637, since that Directive, including the financial procedure provided by its Article 14, applies to the issuance of EU ETDs to unrepresented citizens. This Directive should provide additional rules to be applied alongside those in Directive (EU) 2015/637 where necessary.
- (4) Upon his or her request, an EU ETD should be issued to any unrepresented citizen whose passport or travel document has been lost, stolen or destroyed, is temporarily unavailable, has expired, or can otherwise not be obtained within a reasonable time, for example to new-borns born during travel<sup>9</sup>, once the Member State assisting the unrepresented citizen has received confirmation of the citizen's nationality from the Member State of nationality.

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<sup>8</sup> Decision 96/409/CFSP of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document (OJ L 168, 6.7.1996, p. 4).

<sup>9</sup> **HU:** These cases hardly fit into the traditional category of "emergency".  
**LT:** suggests 'new-borns born during travel' should also be included in Article 2.

- (5) Since the loss of a passport or travel documents can cause significant distress to citizens in third countries, it is necessary to establish a simplified procedure for cooperation and coordination between the assisting Member State and the unrepresented citizen's Member State of nationality. At the same time, it is necessary to maintain sufficient flexibility in exceptional cases. In crisis situations, the assisting Member State should be able to issue EU ETDs without prior consultation of the Member State of nationality. In these situations, the assisting Member State should notify the Member State of nationality as soon as possible of the assistance granted on its behalf to ensure that the Member State of nationality is adequately informed.<sup>10</sup>
- (6) For security reasons, recipients of EU ETDs should return them once they have returned home safely. Moreover, a copy of each EU ETD issued should be stored at the issuing authority of the assisting Member State and another copy should be sent to the applicant's Member State of nationality. The returned EU ETDs and stored copies should be destroyed after a certain period.
- (7) Unrepresented citizens should be able to apply for an EU ETD at the embassy or consulate of any Member State<sup>11</sup>. As provided for by Article 7(2) of Directive (EU) 2015/637, Member States may conclude practical arrangements for the purpose of sharing responsibilities for providing EU ETDs to unrepresented citizens. Member States that receive EU ETD applications should assess, on a case by case basis, whether it is appropriate to issue the EU ETD or if the case should be transferred to the embassy or consulate which is designated as competent under the terms of any arrangement already in place.

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<sup>10</sup> **HU:** Without prior consultation no consul will take the responsibility of issuing an EU ETD and thus attesting the applicant's MS citizenship without any grounds. The assisted MS cannot be held responsible for the issuance of an EU ETD to a non-national, if they were not consulted. During crisis situations communication and exchange of data between MSs, could be dealt with in a case-by-case manner, not strictly to be regulated by this Directive.

**LT:** A specific definition of a 'crisis situation' would be appropriate for inclusion. Should there be a specific link to Council Directive (EU) 2015/637.

<sup>11</sup> **HU:** amend as follows "... Member State **authorized to and capable of issuing travel documents.**"

- (8) In line with its purpose as a single-journey document, the EU ETD should be valid for the period required to make that journey. In view of the possibilities and speed of modern-day travel, the validity of an EU ETD should, save in exceptional circumstances, not exceed 15 calendar days.
- (9) This Directive should not affect more favourable national provisions in so far as they are compatible with this Directive.<sup>12</sup>
- (10) This Directive should not preclude Member States from issuing EU ETDs in other situations, taking into account national law and practice. Member States should also be able to issue EU ETDs to unrepresented citizens within the territory of the Union<sup>13</sup>, to represented citizens, and to their own nationals or residents<sup>14</sup>. When doing so, Member States should take the necessary measures in order to prevent abuse and fraud.
- (11) In accordance with Article 5 of Directive (EU) 2015/637<sup>15</sup> and with a view to ensuring the effectiveness of the right enshrined in point (c) of Article 20(2) of the Treaty and the right to respect for private and family life as recognised in Article 7 of the Charter of Fundamental Rights of the European Union, and taking into account national law and practice, an assisting Member State should be able to issue EU ETDs to third-country family members of citizens of the Union, taking into account the individual circumstances of each case<sup>16</sup>.

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<sup>12</sup> **HU:** explain with examples.

<sup>13</sup> **EL:** As above, para 1 and 10 of the preamble are contradictory. Issuing ETD "in the territory of a third country" (para 1) vs. issuing ETDs to unrepresented citizens "within the territory of the Union" (para 10).

<sup>14</sup> **HU:** explain "residents". Non-EU citizens included? Consultation with Visa WP is necessary. HU consular regulations on consular protection do not include residents, travel documents to residents as such of Hungary are not issued by consular officers. **LT:** supports the idea of extending the scope of ETDs to MS own nationals, highlights the importance of issuing ETDs within the territory of EU. Welcomes a more explicit definition on 'resident status'.

<sup>15</sup> **HU:** This point is elaborated in Article 7, however, issuing EU ETDs within the territory of the Union cannot be justified according to provisions of Council Directive 2015/637.

<sup>16</sup> **HU:** Hungarian law on consular protection does not provide for MS citizens' third country family members; can only act to provide the necessary consular assistance upon the explicit request of the MS according to the nationality of the EU family member.

- (12) The EU ETD, consisting of a form and a sticker<sup>17</sup>, should contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification. It should be suitable for use by all Member States and bear universally recognisable security features clearly visible to the naked eye.
- (13) The uniform EU ETD form should contain blank pages so that transit visas, if required, can be affixed directly to the form. That form should serve as the carrier for the EU ETD sticker, which contains the relevant information on the applicant. The sticker should be modelled upon the uniform format for visas as laid down by Council Regulation (EC) No 1683/95<sup>18</sup> and should contain equivalent security features. The EU ETD sticker should be personalised in the assisting Member State's embassy or consulate using the same printers as for visas<sup>19</sup>.
- (14) In order to increase the security and speed of the issuing process, a facial image of the applicant used for the EU ETD should be taken live at the embassy or consulate by digital camera or equivalent means. The same facial image should be transferred to the Member State of nationality for confirmation of the citizen's identity.
- (15) This Directive should lay down specifications that should not be kept secret. Where appropriate, those specifications may need to be supplemented by further secret specifications to prevent counterfeiting and falsification.
- (16) In order to ensure the secrecy of any additional technical specifications, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>20</sup>.

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<sup>17</sup> **LT:** agrees to the proposed new ETD format, consisting of two elements (form, sticker) encompassing highly secure structural elements and safeguards against counterfeiting and falsification.

<sup>18</sup> Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

<sup>19</sup> **LT:** concurs to the idea of using the same printers for both visa and printing of ETDs. No extra expenses on new printing systems purchases would be desirable.

<sup>20</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (17) To ensure that the information on additional technical specifications is not made available to more persons than necessary, each Member State should designate one body having responsibility for printing the uniform EU ETD. Member States should be able to change the body, if necessary. For security reasons, each Member State should communicate the name of the competent body to the Commission and the other Member States.
- (18) In order to increase the acceptance of EU ETDs, Union delegations in third countries should notify to the relevant authorities of third countries the uniform EU ETD format and any subsequent modifications and promote its use.
- (19) In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making<sup>21</sup>, the Commission should evaluate this Directive, in particular on the basis of information collected through specific monitoring arrangements, in order to assess the effects of the Directive and the need for any further action.
- (20) Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>22</sup> applies to the processing of personal data carried out by Member States when implementing this Directive. The EU ETD system requires the processing of the personal data necessary for the purpose of verifying the identity of the applicant, printing the EU ETD sticker and facilitating travel of the data subject concerned. It is necessary to further specify safeguards applicable to the personal data processed, such as the maximum retention period of personal data collected. A maximum retention period of three years is necessary to prevent possible abuses. The erasure of personal data of applicants should not affect Member States' abilities to monitor the application of this Directive.

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<sup>21</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

<sup>22</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).



- (21) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the need to avoid fragmentation and resulting decreased acceptance of emergency travel documents issued by Member States to unrepresented citizens, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (22) This Directive aims to promote consular protection as guaranteed by Article 46 of the Charter of Fundamental Rights of the European Union. It respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to respect for private and family life and the right to the protection of personal data. This Directive should be interpreted and applied in accordance with those rights and principles.
- (23) Decision 96/409/CFSP should be repealed,

HAS ADOPTED THIS DIRECTIVE:

## **CHAPTER I**

### **SUBJECT MATTER AND DEFINITIONS <sup>23</sup>**

#### *Article 1* *Subject matter<sup>24</sup>*

This Directive lays down rules on the conditions and procedure for unrepresented citizens in third countries <sup>25</sup>to obtain an EU Emergency Travel Document (EU ETD) and establishes a uniform format for such documents.

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<sup>23</sup> **UK:** notes as red lines: will not issue the EU ETD and does not support the EU ETD being mandatory for issuance to unrepresented EU citizens; continues to issue the UK ETD to unrepresented EU citizens and to accept ICAO compliant ETDs provided there are no security concerns – for example, where an individual is on stop files.

<sup>24</sup> **LT:** Council Directive (EU) 2015/637 foresees issuing ETDs in third countries only, while there is a growing demand for such documents to be issued within the territory of EU. A standardised procedure and universally fixed fee for issuing the the ETDs applicable to all MS would downplay the risk of "forum shopping". **DE:** Directive (EU) 2015/637 contains in Article 1 (2) an additional paragraph: "*This Directive does not concern consular relations between Member States and third countries*". Should an identical clause be added here?

<sup>25</sup> **SI:** add: "(...) third countries **and within the EU** as set out in (...)".

*Article 2*  
*Definitions*<sup>26</sup>

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘unrepresented citizen’ means any citizen holding the nationality of a Member State which is not represented in a third country<sup>27</sup> as set out in Article 6 of Directive (EU) 2015/637;
- (2) ‘applicant’<sup>28</sup> means the person applying for an EU ETD;
- (3) ‘assisting Member State’ means the Member State receiving an application for an EU ETD;
- (4) ‘Member State of nationality’ means the Member State of which the applicant claims to be a national;
- (5) ‘EU Emergency Travel Document’ or ‘EU ETD’ means a travel document issued by a Member State to an unrepresented citizen in a third country<sup>29</sup> for a single journey to the citizen’s Member State of nationality or residence, as requested by the citizen, or exceptionally, to another destination.<sup>30</sup>

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<sup>26</sup> **HU:** the notion of “emergency” should be defined with view to the broadening scope of beneficiaries of the EU ETD, and the expedient deadlines of the procedure as contrast; the category of “resident” should be clearly defined if residents are intended to be beneficiaries of the Directive. **EEAS:** Introduce a definition of European Union Delegations. The Union Delegations are proposed later in Article 12.

<sup>27</sup> **LT:** amend: "(...) third country or in another EU MS as set out in Article 6 of Directive (EU) 2015/637". **SI:** amend: " third country or in an EU Member State (...)".

<sup>28</sup> **LT:** the definition of "an applicant" should be clarified to include all additional EU ETD recipients, stated in Article 7.

<sup>29</sup> **LT:** add: "(...) in a third country or within the territory of EU for a (...)".

<sup>30</sup> **LT:** A clearer implication for the definition ‘exceptionally to another destination’ needed; A specific definition of a ‘crisis situation’ would be appropriate for inclusion in Article 2(6). **HU:** defines “EU ETD” as “a travel document issued by a MS to an unrepresented citizen in a third country” while later use of the term extends its application to the territory of the Union as well. **MT:** requests clarification as to whether this definition (para 5) is completely appropriate in the light of the provisions of Article 7. **DE:** In which cases could a travel to third destinations be necessary?

## CHAPTER II

# THE EU EMERGENCY TRAVEL DOCUMENT (EU ETD)

### Article 3 The EU Emergency Travel Document (EU ETD)

Member States shall issue EU ETDs to unrepresented citizens in third countries<sup>31</sup> whose passports or travel documents have been lost, stolen or destroyed, are temporarily unavailable<sup>32</sup>, have expired<sup>33</sup>, or can otherwise not be obtained within a reasonable time<sup>34</sup>, in accordance with the procedure outlined in Article 4.<sup>35</sup>

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- <sup>31</sup> **DE:** proposal makes the use of EU ETDs compulsory for unrepresented citizens outside the EU. This would come at a certain price: MS would be obliged to issue an EU ETD to unrepresented citizens fulfilling the applicable conditions. The Honorary consuls (HCs) representing EU MS outside the capitals and not being equipped to produce ETDs, would not be any more in a position to produce a (national) document helping unrepresented return home. Therefore, how to deal with such cases, e.g. would it be in the interest of the global reach of consular protection to lower the requirements in the case of HCs? **HU:** later use of the term extends its application to the territory of the Union as well.  
**LT:** amend : "(...) to unrepresented citizens or their own nationals in third countries or within the territory of EU(...)." **SI:** add: "(...) third countries and within the EU(...)."
- <sup>32</sup> **BG:** considers that the option to issue an ETD when passports or documents are "*temporarily unavailable*" is not justified - not clear which cases could be considered such. This provision could lead to abuse, therefore should be deleted from Article 3. **FR:** not in favour of the criterion of being '*temporarily unavailable*' since could be due to the seizure of the passport or travel document by the local authorities (following an arrest, check, etc.). In such cases, the issue of an EU ETD would amount to enabling the applicant to evade local justice and would place the assisting MS in a difficult position vis-à-vis the local authorities. **PL:** not in favour of "*temporarily unavailable*", redraft: "...lost, stolen, ~~or~~ destroyed, ~~are temporarily unavailable~~ or have expired and cannot otherwise be obtained within a reasonable time to be used for a necessary journey to their Member State of nationality or residence, in accordance with the procedure outlined in Article 4." **RO:** redraft as follows: "...unavailable, are not recognized by the respective third country or by a transit state,(..)".
- <sup>33</sup> **EE:** EE legislation does not foresee issuance of the national ETD in the case of expiry of the travel document (passport), except in extreme or unforeseen circumstances. In the current draft issuance of ETDs, as a general rule also in the case of expired documents, would go further that consular assistance offered to our own nationals. **EL:** expresses concern about issuing an ETD in case of an expired passport. **LV:** supports the issuance of an EU ETD to an unrepresented citizen whose passport has expired.
- <sup>34</sup> **FR:** considers that the '*reasonable time*' should be more precisely defined in order to avoid differing interpretations.
- <sup>35</sup> **DK:** The definition of an ETD not consistent with the contents of Article 7. Redraft as follows: "(...) lost, stolen or destroyed, or are temporarily unavailable. Member States may decide to issue EU ETD also to unrepresented citizens in third countries whose passports or travel documents have expired, or can otherwise not be obtained within a reasonable time,

~~In accordance with the procedure outlined in Article 4.~~” Suggests that in non-crisis situations it should be optional to issue ETD due to expired passports or because national passports cannot be obtained within reasonable time. **LT**: supports the idea of extending the scope of ETDs to MS own nationals; MS own nationals are categorized into Article 7 as ‘additional recipients’. Suggests that MS own nationals would not be differentiated under Article 7. as ‘*additional EU ETD recipients*’. **PM**: The definition/list of documents differs in Article 3., Article 4(6) and (7). and Article 7 - the definition/list should be aligned throughout the Directive. **MT**: believes that the provisions of Article 7 should be transposed to this Article 3 as a derogation.

**SE**: important complying with the national procedures when issuing an ETD for a person who has never possessed a valid passport. Possible compatibility difficulties between the criterion “*can otherwise not be obtained within reasonable time*” and the national protocols. The time limits to receive a national emergency passport may be longer than the proposed time limits for the ETD standard procedures. That might risk undermining the national documents. Cf. comment on Article 4.1 and 4.3. **UK**: MS consultation necessary prior to issuance. Red line - will not commit to provide materials in all MS languages to support unrepresented. Issuance will only be undertaken when the MS has confirmed the nationality, identity, travel itinerary, and agreement to issue the ETD for travel to either the MS of nationality, or the individual’s country of residence, where different. Will issue an ETD within 2 working days of receiving confirmation from the Member State of nationality.

<sup>36</sup> **FI**: Overall annual volume of ETDs low, thus a model not requiring all MS embassies and consulates globally to have ETD capabilities should be considered as the primary and preferred option. Considerations for centralised service delivery, through EUDELS, an external service provider or selected/lead MS embassy/consulate should be examined. Could result in to a high delivery and production cost per unit to be reflected in the cost of the service. **HR**: Proposes to add that the CoOL will be a platform for exchanging of applicant’s personal data, ensuring to be in line with the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of persona data. **IE**: While provisions are in place to confirm the citizen’s nationality, what detailed steps are in place to confirm the identity of the person is correct, that they are who they report to be? **RO**: in order to ensure an optimal development of the consultation procedure between the assisting MS and that of nationality, suggests that each MS designates a competent authority, in order to build a unique contact list that can eventually be uploaded on the CoOL platform. **SK**: do not agree with the possibility to issue the EU ETD without prior consultation and confirmation of the identity with the respective MS of nationality. **UK**: should include information on how a family connection and definitions should be determined. Red lines: considers that 24-hour deadline for a response means 1 working day. Delays caused by the MS of nationality must be communicated to the assisting MS and the unrepresented citizen by that MS. Sufficient checks in times of crises to be undertaken. If not possible, checks with the MS must be made prior to issuing the ETD. The assisting MS should share the ETD document number, as well as name, date of birth, destination and where possible a photo with the MS of nationality. All ETDs should be collected and cancelled. ETDs will only be issued where destination and transit countries have previously confirmed they will accept the proposed ETD format.

1. Where a Member State receives an application for an EU ETD, it shall, within 24 hours, consult the Member State of nationality<sup>37</sup> in accordance with Article 10(2) of Directive (EU) 2015/637 for the purpose of verifying the nationality of the applicant.<sup>38</sup>
2. The assisting Member State shall provide the Member State of nationality with all relevant information<sup>39</sup>, including:
  - (a) the data on the applicant to be included on the EU ETD sticker in accordance with Annex II;<sup>40</sup>

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<sup>37</sup> **AT:** amend: "(...), it shall, ~~within 24 hours~~, consult the Member State of nationality in accordance with Article 10(2) of Directive (EU) 2015/637 without any delay during or outside office hours, latest on the next working day, (...)." **DK:** ", ~~within 24 hours as soon as possible~~, ". **SE, ES:** "~~within 24 hours without delay~~, ". **SI:** "without undue delay, ". **MT:** regarding the reference to the MS of nationality – there is no specific reference which authority this should be?

<sup>38</sup> **PL:** PM: question of minors, notably unaccompanied and incapacitated persons must be addressed. Also add two more points under Article 4: **a) Unrepresented citizen lodges an application for an EU ETD personally at the embassy or consulate of any MS present in the third country where the MS of nationality has no permanent consular representation. b) An application for an EU ETD shall be received without a fee.** Also the question of minors

<sup>39</sup> **SI:** redraft "(...) all ~~relevant available~~ information, including (...)".

<sup>40</sup> **DK:** data to be included in the sticker should also comprise personal social security number or any other registration number used in the member state of nationality. **DE:** The categories of personal data that may/shall be transmitted, should be laid down in the Directive itself.

- (b) a facial image of the applicant, to be taken, save in exceptional circumstances<sup>41</sup>, by the authorities of the assisting Member State on the day of the application.<sup>42</sup>

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<sup>41</sup> **ES:** in certain occasions, the means of getting a facial image may be unavailable. For this reason, amend: "**a facial image a photograph** (...)." **PL:** amend: "(...) to be taken, ~~save in exceptional circumstances if possible,~~ (...)". **MT:** What are the exceptional circumstances being referred to ?

<sup>42</sup> **DK:** not specified if the means to take a photo by the assisting state could be by a smart phone. If expectations to quality are higher, it should be communicated clearly.  
**EE:** Currently, no means of photographing the applicant for a national ETD in EE Embassies. All applicants requested to provide a photo on paper. Investment into necessary hard- and software for processing photographs made on the spot is not proportional. Does not object to MS having the appropriate technical means to continue doing so. However, the Directive should allow flexibility in photographing and leave it up to MS. **FI:** proposal relies on existing equipment and expertise in the context of the visa sticker. Concerned that such reliance has not been technically vetted and can be a costly addition to national equipment and software currently used.

**SE:** support. It is essential to reduce the morphing phenomenon which is a great security. **DE:** the wide DEU consular network of embassies and consulates is not equipped with integrated cameras to take and produce "*a facial image of the applicant, to be taken ... by the authorities of the assisting Member State on the day of the application*". Such equipment to produce ETDs shall be provided to DEU embassies and consulates in the perspective of standards to be implemented in the context of the uniform format for visas. Therefore, considers the use of photographs of the facial image of the applicant provided by him as a case of "*exceptional circumstances*" acc. to Article 4, para. 2 (b). **PL:** amend: "(...) on the day of the application **or delivered by the applicant.**" **SI:** delete subparagraph b).

<sup>43</sup> **RO:** **add a new paragraph (c)** to provide the obligation of the Assisting MS to send the MS of Nationality: **(c) a photocopy of any document held by the applicant, if available, which can prove the identity of the applicant.**

3. Within 36 hours<sup>44</sup> after receipt of the information referred to in paragraph 2, the Member State of nationality shall respond to the consultation in accordance with Article 10(3) of Directive (EU) 2015/637 and shall confirm whether the applicant is its national. Upon confirmation of the applicant's nationality, the assisting Member State shall provide the applicant with the EU ETD on the working day following that on which the response from the Member State of nationality is received at the latest.<sup>45</sup>
4. In duly justified exceptional cases, the Member States may take longer than the time-limits laid down in paragraphs 1 and 3.<sup>46</sup>

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<sup>44</sup> **AT, DE:** "Within ~~36 hours~~ 2 (two) working days after receipt (...) is received ~~at the latest~~. **DK:** "~~Within 36 hours as soon as possible~~ (...)". **FR:** "~~36 hours~~ 72 hours (...)". Moreover, consider that provision should be made, in the absence of a response from the applicant's MS of nationality, for deeming the application for an EU ETD to be implicitly refused. **SE, ES:** redraft: "~~Within 36 hours~~ Without delay (...)". **HU:** "Within 36 hours after receipt of the information, or on the next working day the latest, (...). **BG:** the issuance of an ETD on the next working day, the more precise wording should be on the same day, if possible, or on the next working day; If the reply is received in the morning, it is not necessary to wait for the next day for the issue of the ETD.

<sup>45</sup> **DK:** delete: "(...) the EU ETD on the working day following that on which the response from the Member State of nationality is received at the latest." **FR:** too short. In FR, process involving e.g. affiliated offices may take at least three working days. **ES:** Instead of a deadline of 1 working day for delivering the ETD, proposes the wording "without delay." **SI:** Delete ~~para 3 and 4~~ and to replace with a new paragraph: "The Member State of nationality shall consent to the issue of the document." **PL:** unclear what authority of MS will be consulted. Time for response should be longer if the MS of nationality must be involved. Appoint one central authority of the MS to respond to consultations (one permanent point of contact).

<sup>46</sup> **DE:** is it sufficiently clear what is meant by "duly justified" exceptional cases? To whom is the justification provided? **DK:** If paras 1 and 3 above are changed as suggested by Denmark, this section 4 will be redundant. **SI:** *PM:* Delete ~~para 3 and 4~~ and replace with a new paragraph: "The Member State of nationality shall consent to the issue of the document." **HU:** please define "*duly justified exceptional cases*" and/or provide examples. *Cf.* comments under Preamble (5), can 'crisis situations' be seen as 'duly justified exceptional cases' like in paragraph 4?

5. In crisis situations, the assisting Member State may issue an EU ETD without prior consultation of the Member State of nationality<sup>47</sup>. The assisting Member State shall notify the Member State of nationality, as soon as possible, of the fact that an EU ETD has been issued and of the identity of the person to whom the EU ETD was issued. That notification shall include the name of the person and all data which were included on the EU ETD.<sup>48</sup>

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<sup>47</sup> **EE:** Even in crisis situations, the identity of the applicant should be firmly established (via consultation with the MS of nationality). Although Art.10.2 of the Council Directive (EU) 2015/637, allows an exception (in case of extreme urgency), understands that the Art.10.2 covers evacuation situations where an ETD is not a prerequisite like in case of repatriation, when returning to the place of residence in the EU. Everyone's identity, crossing the EU external borders, needs to be established. Proposes that an express procedure of consultation could be set up. For legislative coherence, suggests to use the same wording as is in the Consular Protection Directive: "**in cases of extreme urgency**" ("~~in crisis situations~~"). **DE:** definition of the term "*crisis situation*"? "Crisis" within the meaning of Council Directive (EU) 2015/637? Also, should the assisting Member State, even in crisis situations, try to confirm (at least) the Nationality and identity of the applicant to the extent possible and reasonable? How could this be ensured? **FI:** The stipulation of a mandatory background check / watch list check should be included. **ES, FR:** not in favour of the assisting MS being able to issue an EU ETD without prior consultation of the MS of nationality in crisis situations. This would pose a significant security risk. **NL:** This exception should be clearly reserved for cases of extreme (life threatening) urgency. This needs not automatically apply to all crisis situations. All possible efforts to establish and communicate the applicant's identity should be undertaken. **PT:** concern over the possibility of an assisting MS to issue an ETD without prior consultation of the MS of nationality foreseen under para 5. **LV:** does not support the issuance of the EU ETD without consultation of the MS of nationality under any circumstances. Such 'Crisis situations' are not determined neither in the Proposal, nor in the Council Directive (EU) 2015/637. It is of utmost importance to issue ETDs (a document that confirms personal identity on the border) exclusively to fully identified individuals. **SE :** the article should include a clarification of the circumstances under which an assisting MS has the right to issue an ETD to a non-represented EU citizen without prior consent of MS of nationality in a crisis (should be exceptional cases). **PL:** Not in favour of the assisting MS able to issue an EU ETD without prior consultation.

<sup>48</sup> **DK:** redraft paragraph 5: "In **a specific** crisis situations, **it may be mutually agreed between the Member State of nationality and** the assisting Member State **that in the specific crisis situation the assisting Member State** may issue an EU ETD without prior consultation of the Member State of nationality. **The Member State of nationality shall specify which identity and nationality documentation the unrepresented citizen as a minimum must submit to the assisting Member State.** The assisting Member State shall notify the Member State of nationality, as soon as possible, **of the fact that an EU ETD has been issued and** of the identity of the person to whom the EU ETD was issued. That notification shall include the name of the person and all data which were included on the EU ETD, **including facial image and social security number if applicable in the Member State of nationality.**"



6. The authority of the Member State issuing the EU ETD shall store one copy<sup>49</sup> of each EU ETD issued and shall send another to the applicant's Member State of nationality<sup>50</sup>. The copies shall be destroyed within 60 days after the expiry of the EU ETD, unless they are necessary for the issuance of a new passport or travel document<sup>51</sup>.

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<sup>49</sup> **SI:** amend: "(...) store copy/scan (...)".

<sup>50</sup> **FR:** questions the usefulness of the provision whereby the assisting MS must send a copy of each EU ETD to the applicant's MS of nationality.

<sup>51</sup> **AT:** redraft: "(...) The copies shall be destroyed only after the applicant's Member State authorities confirm an application for the issuance of another passport or travel document by the same applicant, latest 2 (two) years after the issuance, within 60 days after the expiry of the EU ETD, unless they are necessary for the issuance of a new passport or travel document.". **DE:** add: "The copies shall be destroyed at the latest within 60 days (..)." Further clarification of the clause "*unless they are necessary for the issuance of a new passport or travel document.*" is needed. **DK:** "... be destroyed no later than within 60 days three years after the issuance expiry of the EU ETD unless they are necessary for the issuance of a new passport or travel document." **HU:** Why the deadline of 60 days? Should it not be a national competence? Should the deadline for the destruction of travel document copies be different depending on whether the consul issues an EU ETD or a national ETD for their own citizen? Delete last sentence of para 6, see redrafting para 7. **LT:** PM: The definition/list of documents differs in Article 3, Article 4(6) and 4(7). and Article 7 - the definition/list should be aligned throughout the Directive. **RO:** suggests that the copies of EU ETDs stored by the Assisting MS and the MS of Nationality should not be destroyed before the original ETD is returned by the recipient. Thus, amend as follows:" (...) the issuance of a new passport or travel document, if the recipient has returned the EU ETD, in accordance with Article 4 paragraph 7. For the scope of this paragraph, adequate notification and consultation between the Assisting Member State and the Member State of Nationality should take place." **SK:** recommend leaving the decision about the period for destroying the copies to each MS. **PL:** it should be discussed what time would be appropriate to destroy the copies of an issued EU ETD. Considering an exceptional character of this document, this time should probably be longer. **ES:** a period of two months for storing copies of issued ETDs is too short for several purposes: control of fraudulent use of an issued ETD, judicial appeals or reimbursement of costs according to art.14 of Directive 2015/637. Proposes to keep copies for 3 years, the same period established for data retention.

7. The recipient of an EU ETD shall be asked to return the EU ETD<sup>52</sup>, regardless of whether it has expired, when they<sup>53</sup> apply for a new passport or travel document<sup>54</sup>. The Member States shall ensure the safe destruction of any returned EU ETD in a timely fashion.<sup>55</sup>

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<sup>52</sup> **FR, NL, UK:** EU ETD to be returned by applicants to the border police on arrival to the EU. **ES:** For security reasons, ETDs should not circulate once they have been used for the purpose they were issued. ETDs, once used, should be returned to the competent authorities of the issuing MS (not the MS of nationality), without waiting until the moment of renewing the travel document. Consular experience shows that there are people who systematically apply for emergency travel documents and refuse to apply for ordinary passports. A sentence should be added to the document in order to remind the obligation of returning the ETD. **NL:** all EU ETDs should be returned to the authorities of the country of nationality c.q. destination upon arrival (i.e. the border police) and before expiry. **UK:** Outside the EU, to the embassy of issuing MS or MS of nationality. **SE:** redraft "...~~shall be asked to return...~~" to "**shall return**" (an issued EU ETD). **PL:** clarification necessary: when and where should the recipient return the ETD?

<sup>53</sup> **SE:** redraft: "(...) **either** when they **arrive at the final destination within the EU or** apply for (...)".

<sup>54</sup> **LT:** PM: the definition/list of documents differs in Article 3., Article 4(6) and 4(7). and Article 7 - the definition/list should be aligned throughout the Directive.

<sup>55</sup> **HU:** amend "(...) safe destruction of any returned EU ETD **and all copies of** in a timely fashion.". **MT:** There should be a specific time limit and this should be linked to the date of return to destination. A period of 30 days is suggested.

**RO:** the return of the original ETD by the beneficiary should take place as soon as possible and at the latest when they ask for a new passport. Amend: "(...) has expired, **as soon as possible and at the latest** when they apply for a new passport or travel document.

**Notification on the return of the EU ETD by the recipient should be sent to the Assisting Member State as soon as possible.** Regarding the last sentence of the Paragraph, considers that an uniform archiving period be established from the date of the return of the ETD.

**SK:** don't agree; difficult in practice to implement the duty to return the travel document issued by one MS to the authorities of another MS. The citizen, to whom the EU ETD has been issued, does not have to return to country of his/her state citizenship immediately and he/she can ask for a new travel document only several years later. **SI:** delete para 7.

8. Article 14 of Directive (EU) 2015/637 shall apply to applications for an EU ETD.<sup>56</sup>

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<sup>56</sup> **DK:** Redraft : "**In crisis and emergency situations** Article 14 **and 15** of Directive (EU) 2015/637 shall apply to applications for an EU ETD. **In non-crisis and non-emergency situations the unrepresented citizen shall pay the assisting Member State the cost of issuance of the ETD, on the same conditions as the nationals of the assisting member State. This shall not prevent the unrepresented citizen's Member State of nationality from collecting payment from the unrepresented citizen concerned on the basis of national rules.** **EE:** seeks for clarity in which context the reference to the Directive 2015/637 is made and in which situations it would apply ? Prefers establishment of a separate application form for issuing the EU ETD. **HU:** The reimbursement structure set in Article 14 is unrealistic in most cases, although practical in emergency situations. Other cases will make the process unduly bureaucratic and long. To note that, Directive (EU) 2015/637 applies to cases of unrepresented MS citizens in third countries, but cannot be seen as basis for issuing EU ETDs for represented citizens, or for issuing EU ETDs within the territory of the Union. Also, a varied fee for the EU ETD may lead to "forum shopping". General statistics would be useful to clarify financial aspects.

*Article 5*  
*Validity*<sup>57</sup>

An EU ETD shall be valid for the period required for completion of the journey<sup>58</sup> for which it is issued. In calculating that period, allowance shall be made for necessary overnight stops and for making travel connections. The period of validity shall include an additional ‘period of grace’ of two days. Save in exceptional circumstances<sup>59</sup>, the validity of an EU ETD shall not exceed 15 calendar days<sup>60</sup>.

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- <sup>57</sup> **FI:** The proposal does not define if the proposed EU ETD is accepted as a valid travel document that a MS may accept in the application process for a residence permit.  
**SE:** Should be amended clearly saying that documents that are reported as stolen/ lost should be registered immediately (alt. “without delay”) in the SISII and the SLTD systems by the MS of nationality. **UK:** Travel will always be to the MS of nationality or the state of residence. ETDs will not exceed UK requirements: max validity of 9 months (including unexpired validity) and transit through a maximum of 5 countries. Any additional or onward travel from the estination country will require a separate ETD. Changes in itinerary will require a new ETD.
- <sup>58</sup> **SI:** redraft: "(...) required for ~~completion of the journey~~ return home or to the permanent residence (...).
- <sup>59</sup> **LT:** A clarification of the term "*exceptional circumstances*" appreciated.
- <sup>60</sup> **BG:** 15 days is too long, 10 days is sufficient to reach the country of citizenship or residence. **EE:** prefers the standard maximum validity period to be 30 days and in exceptional cases, longer. **HR:** 30 calendar days. **SK:** not to specify too short upper limit (15 days). Cf. SK law, the validity of a national ETD may be maximum 6 months. **SE:** support the proposal. **DK:** Some countries require that a travel document has an additional 3 to 6 months’ validity when entering. The “*exceptional circumstances*” in Article 5, would then have to include all cases where a citizen is traveling to a country that requires an additional 3 to 6 months’ validity of a travel document. This is relevant if an ETD is issued to a non-represented national residing in a third country or with the purpose of travelling to a third country to apply for national passport.
- <sup>61</sup> **SE :** add a new subparagraph to Article 5 that specifies situations in which an EU ETD should be revoked or annulled and describes the procedure.

*Article 6*  
*More favourable treatment*<sup>62</sup>

Member States may introduce or retain provisions more favourable than those of this Directive in so far as they are compatible herewith<sup>63</sup>.

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<sup>62</sup> **HU:** what is meant by “*more favourable provisions*”? More favourable according to assisting MSs/3rd countries? **UK:** the type of document issued and service levels may exceed the minimum standards as set out in the EU guidelines. Notes as a red line that the UK must always agree the details of travel and ETD limitations for an unrepresented British national with the assisting MS. In a crisis or other exceptional circumstance, the UK accepts that decisions may be taken without consulting the MS of nationality, but efforts must be made to contact the MS of nationality at the earliest opportunity.

<sup>63</sup> **LT:** delete Article 6 since contradicts to the intention (subject matter) of the Directive to establish a uniform ETD’s format and a standardised universal issuing procedure.  
**SI:** delete : "(...) Directive ~~in so far as they are compatible herewith~~(...)".

*Article 7*  
*Additional EU ETD recipients*<sup>64</sup>

Where the applicant's passport or identity card<sup>65</sup> has been lost, stolen or destroyed, is temporarily unavailable<sup>66</sup>, has expired, or can otherwise not be obtained within a reasonable time<sup>67</sup>, a Member States may<sup>68</sup> issue EU ETDs:

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<sup>64</sup> **BE:** reservation. Fundamental objection to Article 7, incl 7 (a) below. Provisions of Article 7 do not derive from Directive 2015/637. Therefore the proposal would be situated within the framework of the right enshrined in Articles 20(2)(c) and 23 of the Treaty on the Functioning of the European Union (TFEU) and in article 46 of the Charter of Fundamental Rights of the European Union (the "Charter") : "*Member States must assist unrepresented EU citizens on the same conditions as they assist their own nationals.*" **DE:** Article 7 lays down possible additional situations in which MS can issue an EU ETD. Recipients of an EU ETD other than unrepresented EU citizens in third countries could be inter alia accompanying family members (a) or "other persons connected with it [issuing Member State] and whom it is willing to admit" (e). With a view to the need of more detailed verification procedures, it would be of interest to know the Commission's position relating to relevant procedural standards. **FI:** current format may cause severe challenges in certain situations particularly as the scope of issuance is clearly broader than the Finnish national emergency travel document. Also, in its current format Article 7 leaves room for possible misinterpretation and misuse. Article 7 needs revision and careful consideration of the implications of broadening the EU ETD recipients' status and nationality. **IE:** In relation to the proposal that EU ETDs may issue to nationals of another MS which is represented in the country where those nationals seek to obtain the EU ETD, will the applicant's MS retain the right to issue their own ETD from their own consular representation? **HU:** With the intended broadening of the scope of possible beneficiaries, including cases where entitlement to free movement within the territory of EU is unclear at best, consultation with the Visa Working Group (among others) is paramount. Should all cases listed here be treated as "emergency", eg. expired travel documents? **LT:** all additional EU ETD recipients should be categorized under the same definition of an 'applicant' under Article 2 to define all applicants in the same article, including 'new-borns born during travel'. **PM:** The definition/list of documents differs in Article 3., Article 4 (6) and (7) as well as in Article 7. **SE:** the importance to follow agreed procedures as well as national protocols of the MS of nationality (see comment on article 3 regarding new-borns/children and comment on article 4.1) and that all necessary measures are taken by MS to prevent abuse and fraud. **UK:** recalls that an accepting/destination MS must pre-approve the issuance of an ETD to a third country national. ETDs must be issued for travel to the accepting state (of residence) only, keeping the number of transit countries to a minimum. Travel through other countries must be kept to a minimum and be for transit only. Details of the travel must be pre-authorized by the accepting/destination MS.

<sup>65</sup> **EL:** delete "identity card"

<sup>66</sup> **BG:** delete "~~temporarily unavailable~~". **PL:** considers "temporarily unavailable" and "reasonable time" unclear. Redraft: "Where applicant's passport, travel document or identity card has been lost, stolen, destroyed ~~is temporarily unavailable~~ or has expired and cannot otherwise be obtained ~~within a reasonable time~~ **to be used for a necessary single journey to their Member State of nationality or residence**, a Member State may issue EU ETDs:". **RO:** add a new phrase to allow the MS to grant this type of consular assistance to individuals whose passports or documents are (no longer) recognised by a third state or a transit state.

<sup>67</sup> **PL:** cf. above.

<sup>68</sup> **LT:** "(...) ~~may~~ **shall** issue EU ETDs."

- (a) to family members of unrepresented citizens, who are not themselves citizens of the Union, accompanying unrepresented citizens, in accordance with Article 5 of Directive (EU) 2015/637;<sup>69</sup>

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<sup>69</sup> **BE:** reservation. Fundamental objection to Article 7, including 7 (a). Does not provide such consular protection to its own citizens, except in crisis situations. **AT, EL, SI:** delete subparagraph (a). **DK:** para a): point (9) in the preamble of Directive (EU) 2015/637 is not reflected anywhere: “*However, Member States might not be in a position to deliver certain types of consular protection, such as emergency travel documents, to third-country family members*”. **CY:** Article 7(a): In what way it is anticipated to identify a third country national? **FR:** not in favour of this provision for reasons relating to security and control of the migratory risk. Would ask that the family members who are not themselves citizens of the Union accompany their application for a laissez-passer with a visa application, as is currently the case. **HR:** two conditions must be fulfilled: must accompany HR nationals and happen in crisis situations. Otherwise HR never issues an ETD to this category of persons. **HU:** national regulations on consular protection do not always cover third country family members of MS citizens (such as the case for HU), thus only issued to the explicit request of the assisted MS of the EU citizens family member. Also the responsibility of the assisted MS to check and confirm, whether the assisted family member does qualify for visa-free entering to the destination MS (if the destination is an EU MS). Para a) bases the issuance of EU ETDs to third country family members of unrepresented citizens on Article 5 of Directive (EU) 2015/637, this should not apply to the issuance of EU ETDs within the territory of the Union. **NL:** With the exception of residing refugees, people residing in the assisting MS can be referred to the representation of the state of their nationality (as is common practice in Dutch consular services). **RO:** A clarification of the term “*accompanying*” needed. Is para applicable to the family member who travels at the same time as the EU citizen or also applicable when traveling on different dates? **PT:** concerned about the issuing of ETDs for the citizens under a), notably considering the possibility of issuing in cases in which none of the citizens is documented, making it hard to confirm their identity or their family relation to the EU’s citizen beyond reasonable doubt. Provisions to ensure such confirmation should be added for reasons of national/EU’s security and risk of human trafficking. **SK:** specify that concerns the family members of unrepresented citizens, who are not themselves the citizens of the EU, accompanying EU citizens in case when the family member of the unrepresented citizen was holder of a travel document issued by one of MS or has the right to stay as a family member in one of MS. **PL:** not in favor of this provision and suggest removing it from the proposal. EU ETD should be available only to unrepresented citizens of the EU, persons who are not themselves citizens of the Union should seek assistance from the authorities of their respective countries. **ES:** not in favour of this provision, with the exception of emergency cases and provided that the condition of “*family member of EU citizen*” has been recognised by the MS of nationality of the EU citizen and that they fulfill the rest of conditions established in Directive 2004/38 for obtaining a visa.

- (b) to its own nationals or residents <sup>70</sup>;
- (c) to nationals of another Member State which is represented in the country where those nationals seek to obtain the EU ETD;<sup>71</sup>

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<sup>70</sup> **AT:** amend b): "to its own nationals ~~or residents~~ **in severe crises, when the issuance of an emergency passport is not appropriate.** **BG, SI:** delete **residents**. Inclusion of additional categories of ETD beneficiaries is unjustified; poses a security risk and difficulty in consulting and confirming the identity of third-country nationals. **DK:** "own residents" as additional EU ETD recipients exceeds the provisions and scope of Directive (EU) 2015/637. Unclear as how defined. **EE:** the wording here should not go further than Art 5 of Directive (EU) 2015/637, unclear as how defined. Therefore does not support inclusion of "residents". Residents should turn to their foreign representation according to their citizenship, if necessary proof of residence/visa might be issued. **HU:** in what cases should MSs issue EU ETDs to own nationals? Or the intention is to completely substitute national ETDs with EU ETDs? Also, define "residents". National regulations on consular protection does not cover residents of a given MS. Cf also Preamble (10). **LV:** does not support issuance of ETDs to the residents of the MS: it is the citizenship not the residency that defines the provider (state) of consular assistance. **RO:** a common format of the ETD that could be issued by the State to its own citizens could contribute to a larger recognition and acceptance of the EU document and facilitate EU citizens when traveling/transiting third countries with national travel documents that do not meet the same security standards and, thus not benefit of the same recognition. **PL:** Not in favour of this provision, having a well-functioning and fast procedure of issuing temporary passports for their own citizens and national ETDs for residents.

<sup>71</sup> **MT:** scrutiny reservation. Practical examples of these scenarios are required for further clarity. **AT:** amend: "to nationals of another Member State which is represented in the country where those nationals seek to obtain the EU ETD **only when the represented Member State confirms the inability to issue a national travel document locally**". **CY :** Need some clarifications as to the scope and meaning of this provision. Why this is included? Is it to guarantee that even a represented citizen can be issued an ETD by another MS? **DK:** already covered by the definition in Article 2(1) of this proposal, it would seem redundant to include it as "additional EU ETD recipients" in this article 7. **FR:** not in favour of this provision, which goes beyond the spirit of the Directive on consular protection and would result in MS with large consular networks taking on the bulk of the extra workload entailed by the implementation of this Directive. **HU:** in what circumstances should represented MS citizens be assisted with EU ETDs? Is it a question of accessibility of MS representation? Is it a question of the MS representation's capacity to issue travel documents? Does it mean only in third countries or also within the EU? Reminder: references to Directive (EU) 2015/637 do not apply here! Please also consider the risk of "forum shopping" as well – see comments in Preamble (10). **ES:** not in favour issuing ETDs to represented citizens abroad.



- (d) to EU citizens and their family members within the territory of the Union;<sup>72</sup>
- (e) to other persons connected with it and whom it is willing to admit.<sup>73</sup>

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<sup>72</sup> **CY:** Need clarification as to whether this applies to third country national which are members of a family of an EU citizen. **RO:** amend: "to EU citizens and their family members within the territory of the Union, subject to a condition of reciprocity. **EL:** delete paragraph (d). **ES:** not in favour. **SI:** delete: "to EU citizens ~~and their family members~~(...)". **LV:** support issuing the ETDs also within the Union. **HU:** Are there conditions to it, special circumstances? Only to unrepresented or to represented as well? References to Directive (EU) 2015/637 do not apply here. The risk of "forum shopping" to be considered. **MT:** supports this in view that the majority of the ETDs are issued by the Passport Office in Malta.

<sup>73</sup> **MT:** scrutiny reservation. Practical examples of these scenarios are required for further clarity. **AT, NL, SI:** delete paragraph (e). **CY:** Referring "To other persons..." This needs to be specified. This is a wide spectrum of potentially "eligible" persons. **DE:** Why is this alternative added to the directive? What is the personal scope of application in the Commission's view? What is its additional value with regard to Art. 6, which permits more favourable treatment? Furthermore, with regard to Art. 5 Vienna Convention on Consular Relations, is this alternative understood to be limited to a single journey to the MS issuing the ETD? **DK:** good wording. With the expression "willing to admit" it is implied that the member state of nationality has to be consulted and may make an individual assessment in each case. **EE:** does not support the scope of EU ETD to be extended beyond the already established scope of the Consular Protection Directive. Against inclusion of this provision in the Directive. **FR, PL:** not in favour of this provision, the wording is too vague and raises significant security concerns. **RO:** too general. Should be revised or at least completed with a mention regarding the consistency with national and the EU legislation. Amend: "(...) to admit, in accordance with its national legislation as well as EU legislation." **HU:** needs a clarification. A discussion with Visa WG, Frontier, + migration risk assessment welcome (present wording may refer it to the political section of a given mission). **NL:** The EU ETD is an EU document, meant for EU citizens. This in its current form, serves no EU interest and leaves admittance to EU (and possibly Schengen) open in a unregulated way. (NB: does not exclude the issuance of an ETD to non-EU citizens in their capacity as family member as in Article 7 (a) of the Directive.) **SK:** prefers specifying the range of eligible persons, for example, foreigners who are not the family members of unrepresented citizens, but a MS issued them the travel document according to the Refugee Convention (28 July 1951) or The Convention relating to the Status of Stateless Persons (28 September 1954) or according to the national legislation, where at the same time their identity can be verified. **ES:** refers exclusively to persons connected to the MS that issues the ETD and not to other MS.

## CHAPTER III UNIFORM FORMAT FOR EU ETDs

### *Article 8 Uniform format for EU ETDs*<sup>74</sup>

1. EU ETDs shall consist of a uniform form and sticker<sup>75</sup>. The form and sticker shall conform to the specifications set out in Annexes I and II and as provided for by Commission Implementing Decision C(2018) 674 of 9 March 2018 as regards further technical specifications for the uniform format for visas and repealing Commission Decision C(2010) 3191.

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<sup>74</sup> **FR:** currently evaluating the 'form + sticker' format of the EU ETD (production process, security of the document in the light of the risk of fraud), and will send our conclusions to the Commission and the Council as soon as possible. **ES:** Taking into account that Schengen visa stickers are frequently falsified, proper measures must be taken when designing the new ETD in order to prevent the washing of ETD stickers for the purpose of modifying the dates of validity or the personal data. **HR:** prefers an option of the improved ETD uniform form but has reservation of the introduction of the ETD sticker. Was Article 6 Committee consulted in relation to the fact that the technical specification of the visa sticker and ETD sticker will be the same? Does it imply that whenever the technical specification of the visa sticker is changed we have to change the ETD sticker specification? **IE:** In relation to 1683/95 at present, IE continues to use the previous format rather than the current format. Currently uses eight digits for visa numbering rather than nine. Will this impact compatibility with the proposed ETD format and our ability to print them? What are the software requirements for the printing process? Web based platform run by COM or software installed on workstations connected to the visa printing hardware? What contingencies will be put in place where the above processes and procedures not operable or in crisis situations? **LV:** supports the suggestion to use the existing visa sticker equipment for the issuance of the ETDs, implying no major additional technical or financial burden. LV invites other MS to share their plans about providing the Honorary Consulates with additional technical equipment to ensure the issuance of the ETDs in the Honorary Consulates. Currently no visa equipment is available in the Honorary Consulates. **UK:** requests that the EU publish the standards and features of the proposed ETD on Prado and further information on the production process and printing equipment required for the proposed ETD. All ETDs must comply with ICAO guidelines.

<sup>75</sup> **DE:** it is suggested to use the same formulations as in Annexes I and II, that means "**uniform EU ETD form**" and "**uniform EU ETD sticker**".

2. When the EU ETD sticker is filled in, the sections set out in Annex II shall be completed and the machine-readable zone filled in, in line with ICAO document 9303, Part 2<sup>76</sup>.
3. Member States may add any necessary national entries<sup>77</sup> in the ‘remarks’ section of the EU ETD sticker. Those national entries shall not duplicate the sections set out in Annex II.

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<sup>76</sup> **DE:** The reference should read “ICAO document 9303, **Part 3**” instead of “**Part 2**”.

<sup>77</sup> **DE:** to be further specified: What are “*necessary national entries*”? As stated above, categories of personal data that may be processed, should be laid down in the Directive itself.

4. All entries on the EU ETD sticker shall be printed. No manual changes shall be made to a printed EU ETD sticker.<sup>78</sup>
5. EU ETD stickers may be filled in manually only in cases<sup>79</sup> of technical force majeure. No changes shall be made to an EU ETD sticker which has been filled in manually.<sup>80</sup>
6. If an error is detected on an EU ETD sticker which has not yet been affixed to the EU ETD form, the EU ETD sticker shall be invalidated<sup>81</sup>. If an error is detected after the EU ETD sticker has been affixed to the form, both shall be destroyed and new ones shall be produced.
7. The printed EU ETD sticker containing the completed sections shall be affixed to the EU ETD form in accordance with Annex I.
8. In crisis situations, a different format than established by this Article may be used, provided that it contains all sections to be completed set out in Annex II.<sup>82</sup>

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<sup>78</sup> **DK:** to print a sticker some sort of software is required. Will COM plan to develop and provide uniform software necessary to print tickers? **HR:** document ETD sticker will be personalized with the same equipment as visa stickers. Can agree bearing in mind financial aspects. Visa Unit of the DG Home and Visa WP should be consulted on this matter.

<sup>79</sup> **LT:** amend "(...) only in case of **crisis situation or** technical force majeure (...)".

<sup>80</sup> **DK:** important to still allow for an ETD to be filled in manually as there may be situations when there is no access to the needed equipment. However, it should be clearly specified how. **EE:** seeks clarity as how the photo of the applicant is to be attached to the EU ETD sticker if filling the sticker in manually (upon technical force majeure)? Prefers relevant provisions to be included into the text of the Proposal. **FR, PL:** not in favour of this provision for reasons relating to security and to third countries' recognition of the reliability of the EU ETD. **LT:** the fill in manually option format should not be limited only to technical force majeure cases. **MT:** There should be a provision whereby in cases where these are issued manually they should be reported accordingly in the relative EU fora. **HU:** explain the differences between para 8 and 5 of this Article.

<sup>81</sup> **HR:** would be prudent to describe the process of the invalidation of the sticker.

<sup>82</sup> **DK:** delete para 8. **FR:** not in favour of this provision, which complicates the arrangement as a whole and entails a risk of fragmentation. **DE:** definition of term "*crisis situations*"? "*Crisis*" within the meaning of Council Directive (EU) 2015/637? **SK:** would welcome a more detailed specification of the notion "*a different format*" from the point of view of its acceptance by the third countries.

*Article 9*  
*Additional specifications*<sup>83</sup>

The Commission<sup>84</sup> shall adopt implementing acts containing additional technical specifications for EU ETDs relating to the following:

- (a) the design, size and colours of the uniform EU ETD form and sticker;
- (b) additional security features and requirements including enhanced anti-forgery, counterfeiting and falsification standards;<sup>85</sup>
- (c) other rules to be observed for the filling in and issuing of the EU ETD.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2). It may be decided that these specifications shall be secret and not be published. In that case they shall be made available only to the bodies designated by the Member States as responsible for the printing of EU ETDs and to persons duly authorised by a Member State or the Commission.

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<sup>83</sup> **UK:** Any ETD should as a minimum meet ICAO standards as detailed in Doc 9303 Machine Readable Travel Documents. **DE:** Scrutiny reservation

<sup>84</sup> **SI:** add "(...) **in cooperation with EU Member States** (...).

<sup>85</sup> **DE:** It should be clarified that this provision does not allow the inclusion of new categories of personal data.

*Article 10*  
*Printing of EU ETDs*<sup>86</sup>

Each Member State shall designate one body having responsibility for printing EU ETDs. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Where a Member State changes its designated body, it shall inform the Commission and the other Member States accordingly.

*Article 11*  
*Committee procedure*<sup>87</sup>

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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<sup>86</sup> **DK, SE, SI, SK, UK:** suggest that a common supplier is identified from which all MS shall order the uniform EU ETD forms and stickers. **HR:** propose the use of term production (producing) instead of print (printing). We are using the term “print” for the personalization of the field on the ETD sticker. **SK:** Small number of ETDs issued annually. Anticipate the need of maximum 300-500 forms for the next 10 years for all our missions abroad. **SI:** Replace Article with "**A common point for printing ETD shall be set up for EU Member States.**" **UK:** Any new EU ETD must be ICAO compliant. Copies must be provided to MS and held in a central registry (e.g. Prado). **DE:** According to the Commission approximately 600 ETDs were issued in 2017. The ETD forms were produced centrally by Italy for all MS. Does it make sense from an economic perspective to decentralise production? What mechanisms are in place to safeguard the uniformity of the EU ETD form and sticker?

<sup>87</sup> **UK:** must be represented on the Committee while the UK is a member of the EU.

*Article 12*  
*Notification to third countries*<sup>88</sup>

1. By 21 months after the entry into force of this Directive at the latest, the Member State holding the Presidency of the Council in accordance with Article 16(9) of the Treaty on European Union shall provide generic specimens of the uniform EU ETD form and sticker to the Commission and the European External Action Service.<sup>89</sup>
2. The European External Action Service shall transmit the generic specimens of the form and sticker to Union delegations in third countries.<sup>90</sup>

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<sup>88</sup> **UK:** will only accept ICAO compliant ETDs for entry into the UK.

<sup>89</sup> **BG:** consider it as unreasonable for the State which assumes the Presidency to have a commitment, including the financial burden to deliver to the Commission's and the EEAS specimens to the ETD, that obligation should lie with the Commission or the Special Committee under Article 11. **MT:** Further information needed on the timeline mentioned. **SI:** Replace para 1 with "**The Commission shall prepare the specimens and submit them to the EEAS.**" **DK:** If each MS produces its own EU ETD forms and stickers, the Presidency of the Council would have to collect specimens from each MS if the forms and stickers differ between MS.

<sup>90</sup> **EEAS:** "Notification to third countries" in the current proposal - uncertain about what is envisaged. It appears that the EEAS is expected to hand over ETD specimens to third country embassies accredited in Brussels. Following usual diplomatic practice such specimens should be handed over in the country where they are used. Usually, the ETD would be issued by an EU MS representation to an EU citizens being in that particular country and later presenting this ETD to the local authorities, for instance at border crossing or contact with local authorities. Recalls that the EEAS does not have a budget line to acquire ETD specimens; the EEAS can transmit the ETD specimens via diplomatic pouches to EU Delegations together with the note of transmission.

3. The Union delegations in third countries shall notify the relevant authorities in the third countries of the uniform EU ETD format as well as its main security features<sup>91</sup>, including by providing generic specimens of the form and sticker for reference purposes. The Union delegations in third countries shall make generic specimens of the uniform EU ETD form and sticker available to the diplomatic and consular missions of the Member States for training or reference purposes.<sup>92</sup>
4. Each time the uniform EU ETD form or sticker is modified, the procedure outlined in paragraphs 1-3 shall be repeated. The deadline referred to in paragraph 1 shall be 3 months after the adoption of the modified format.<sup>93</sup>

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<sup>91</sup> **MT:** as to a reference that we should notify main security features – Malta would like to confirm that obviously these would not include secret features.

<sup>92</sup> **EEAS:** suggests that the DG Justice shall keep generic specimens of the uniform EU ETD format in order to be able to together with the European External Action Service make them available for training or reference purposes to the diplomatic and consular missions of third countries.

<sup>93</sup> **DK:** apart from notifying third countries of the new ETD as referred to in paragraphs 1-3, it should be clearly established who is responsible for continuously providing specimens of the ETD to third countries upon request. Add a new paragraph: "**5. Upon request, Union delegations shall submit specimens of the uniform EU ETD to the relevant authorities of third countries.**"



## CHAPTER IV FINAL PROVISIONS

### *Article 13 Protection of personal data*<sup>94</sup>

1. Personal data processed for purposes of this Directive, including the facial image taken of the applicant in accordance with Article 4(2), shall only be used to verify the identity of the applicant in accordance with the procedure outlined in Article 4, to print the EU ETD sticker, and to facilitate travel of the person concerned. The assisting Member State and the Member State of nationality shall ensure appropriate security of personal data.
2. Without prejudice to the application of Regulation (EU) 2016/679, an applicant to whom an EU ETD is issued shall have the right to verify the personal data contained in the EU ETD and, where appropriate, to ask for corrections to be made.
3. No information in machine-readable form shall be included in an EU ETD unless it also appears in the sections referred to in points 6 to 14 of Annex II.
4. The assisting Member State and the Member State of nationality shall retain the personal data of an applicant for no longer than three years<sup>95</sup>. Upon expiry of the retention period, the personal data of an applicant shall be erased.

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<sup>94</sup> **UK:** Any data may be checked against international warnings lists and appropriate action taken. MS may check data against its own warnings lists where the applicant is going to that MS and make a decision on whether to issue the ETD based on that information. The individual's MS of nationality should be informed if any decision on issuance is made by the assisting MS based on warning lists. Disagrees with the 3-year data retention provision. The UK is not currently deleting details of child ETD applications at three years due to the ongoing Independent Inquiry into Child Sexual Abuse. **DE:** Scrutiny Reservation, has to further examined with regard to data protection rules.

<sup>95</sup> **DK:** amend "...applicant for minimum one year and no..". **DE:** Why personal data may be retained for up to three years, even though (save in exceptional circumstances) the validity of an EU ETD shall not exceed 15 calendar days and its copies shall be destroyed within 60 days after the expiry of the EU ETD.

*Article 14*  
*Monitoring*<sup>96</sup>

1. Member States shall regularly monitor the application of this Directive based on the following indicators:
  - EU ETDs issued in accordance with Article 3;
  - EU ETDs issued in accordance with Article 7;
  - Cases of EU ETD fraud<sup>97</sup> and counterfeits.
2. Member States shall organise the production and gathering of the data necessary to measure the change in the indicators described in paragraph 1 above, and shall supply that information to the Commission on a yearly basis.<sup>98</sup>
3. In accordance with the examination procedure referred to in Article 11(2), the Commission may adopt implementing acts establishing additional indicators to those mentioned in paragraph 1.

*Article 15*  
*Evaluation*

1. No sooner than five years after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council, including on the appropriateness of the level of security of personal data.
2. Member States shall provide the Commission with the information necessary for the preparation of that Report.

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<sup>96</sup> **SI:** Delete Article 14. **DK:** should be clear what specifically to monitor. It is unclear how detailed MS are expected to record statistics on the issuance of EU ETDs in accordance with Articles 3 and 7 respectively.

<sup>97</sup> **SE:** what types of aspects/ modus that are included in the wording “*fraud*”? For example, the look- alike phenomenon is a great security risk and important to address also in this directive.

<sup>98</sup> **DK:** suggests that a uniform format for monitoring the application of this Directive is used in order to ensure comparable and adequate information.

*Article 16*  
*Repeal*

1. Decision 96/409/CFSP is repealed with effect from 24 months after the entry into force of this Directive.
2. References to the repealed Decision shall be construed as references to this Directive.
3. Member States shall ensure the destruction of ETD forms produced according to Decision 96/409/CFSP by the date mentioned in paragraph 1.

*Article 17*  
*Transposition*<sup>99</sup>

1. Member States shall adopt and publish, by 12 months<sup>100</sup> after the entry into force of this Directive 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 24 months<sup>101</sup> after the entry into force of this Directive.

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.

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<sup>99</sup> **UK:** will not issue the EU ETD.

<sup>100</sup> **CY, SK:** at least **24** months. **FI, NL, PL, ES:** **24** months. **HR:** **18** months **MT:** Further information should be sought regarding the timelines mentioned in article 12 and article 17. **SE:** 12 months too short. **SI:** **36** months.

<sup>101</sup> **SI:** **60** months.

*Article 18*  
*Entry into force*

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

*Article 19*  
*Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council*  
*The President*

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**ANNEX I**<sup>102</sup>  
**Uniform EU ETD form**

The uniform EU ETD form shall comply with the following specifications:

1. Design and size

The EU ETD form shall be in a tri-fold design (a single sheet printed on both sides and folded into thirds). When folded, the size of the form shall comply with the ISO/IEC 7810 ID-3 standard.

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<sup>102</sup> **CY: PM Article 4 + 2 Annexe: relating to article 4 and to the two annexes:**

1. It is vital to us to know the level of automation of the information exchange procedure between the assisting MS and MS of Nationality. By what means will the communication take place at all stages. i.e consultation, transfer of image, transfer of information, confirmation
2. Confirm that MRZ Line structure will be the same as VIS's.
3. Will it be any use of the Testa NG network for the exchange of the information? Please remember that we are not running on production environment yet
4. How automated will the whole procedure will be? The bigger the automation the greater the cost of implementation.
5. At the current point, our VIS cannot be altered in any fast and economical way in order to merge the requested facilities.

**CY** suggestion could be that a web based platform/form is created centrally with allocated accounts to MSs. By this way all assisting Member States would be able to login in, fill in the necessary info, attach the face image and then send them via this platform to Member state of Nationality. MS of Nationality will send the confirmation back with the same means. The ETD will be created and the issuing MS will only have to print the document.

**UK:**

- Is there a specific printer required to print the proposed ETD?
- If so, will the Commission provide the printer?
- If not, how much will the printer cost and how will we acquire it?
- How would we get the vignettes and again, will they be provided by the Commission?

Red Lines

1. All ETDs must comply with ICAO guidelines
2. The UK will accept EU ETDs where they comply with ICAO guidelines, but will not issue EU ETDs
3. The UK requests that the EU publish the standards and features of the proposed ETD on Prado.
4. The UK requests further information on the production process and printing equipment required for the proposed ETD.

2. Cover page

The EU ETD cover page shall contain, in this order, the words ‘EUROPEAN UNION’ in all official languages of the Union and the words ‘EMERGENCY TRAVEL DOCUMENT’ and ‘TITRE DE VOYAGE PROVISOIRE’.

3. Affixing the EU ETD sticker

The EU ETD sticker shall be securely affixed to the second page of the uniform EU ETD form in such a way as to prevent easy removal. The sticker shall be aligned with and affixed to the edge of the page. The machine-readable zone of the sticker shall be aligned with the edge of the page<sup>103</sup>. The stamp of the issuing authorities shall be placed in the ‘REMARKS’ section in such a manner that it extends beyond the sticker onto the page.

4. Third page

The third page shall contain a translation of ‘Emergency Travel Document’ in all official language of the Union except for English and French.

5. Transit visa

The fourth and fifth page shall bear the heading ‘TRANSIT VISA – VISA DE TRANSIT’ and shall otherwise be left blank.

6. Entry/exit stamps

The sixth page shall bear the heading ‘ENTRY/EXIT STAMPS – CACHETS D’ENTRÉE/DE SORTIE’ and shall otherwise be left blank.

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<sup>103</sup> **DE:** With a view to making controls easier, suggests that detailed information be given on how the sticker is affixed. In any case, the machine-readable zone should be aligned with the outer edge of the page (not the inner fold). This would ensure that data could be read using readers requiring the document to be partially inserted into the machine

7. Number of the EU ETD sticker

The three-letter country code of the issuing Member State as set out in ICAO Document 9303 and the national number of the EU ETD sticker mentioned in point 6 of Annex II shall be pre-printed on each page of the EU ETD from.<sup>104</sup>

8. Paper

EU ETDs shall be printed on security paper (approximately 90 g/m<sup>2</sup>), free of brighteners, using a standard ‘CHAIN WIRES’ watermark<sup>105</sup> legally protected for the manufacturer of the document, with two invisible fibres (blue and yellow, SSI/05) fluorescent under ultraviolet light and reagents against chemical erasure.<sup>106</sup>

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<sup>104</sup> **DE:** asks whether the national number of the EU ETD sticker and the number pre-printed on the EU ETD form must be identical. Notes that if this was the case this would have significant logistic implications considering that the documents are pre-numbered during the production process. Germany also asks how to handle cases in which the EU ETD form and the sticker affixed to it do not have the same number.

<sup>105</sup> **PT:** suggest to include “cylinder mould watermark” (shadow watermark) as it since a more secure type of watermark. With this suggestion the text should read: “8. (...) using a standard “CHAIN WIRES” **cylinder mould watermark** legally protected (...)”.

<sup>106</sup> **DE:** According to our information, this particular watermark has been used in falsified documents and is therefore compromised. Therefore suggests that a multitone watermark protected by law be used, for example the EU watermark used in the EU laissez-passer.

9. Additional security features<sup>107</sup>

The following printing technology shall be used:

- (a) INTAGLIO, recto including text on page 1, latent image and microprint in blue reflex ink;
- (b) OFFSET, recto and verso, in two colours and IRIS;<sup>108</sup>
- (c) 1st: text, in blue reflex;<sup>109</sup>
- (d) 2nd: anticancer background, in light blue;<sup>110</sup>
- (e) 3rd: guilloche background with IRIS effect in two colours<sup>111</sup>, green and violet, the second one with yellow fluorescence under UV light.

The inks used shall be copy-resistant and any attempt to make a colour copy shall result in clearly recognizable colour deviations. Moreover, at least one colour shall contain fluorescent agents. The inks shall also contain reagents against chemical erasure.

10. Printing forms

Multi-coloured processed guilloche background printing forms specially designed for the EU ETD form with integrated micro types<sup>112</sup> shall be used.

11. Storage of blank EU ETD forms

In order to minimize the risk of forgery or counterfeiting, Member States shall ensure theft-proof storage of blank EU ETD forms.

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<sup>107</sup> **PT:** understand that the colour blue is related with the European Union symbols, recommends avoiding printing primary colours, Ciano (light blue), Magenta, Yellow and Black (CMYK) because they are easier to reproduce. Suggests the use of at least three colours. Documents with only two colours are easier to reproduce in small traditional offset machines with spot colours. **DK:** Does "blue reflex ink" refer to a specific colour ?

<sup>108</sup> **PT:** redraft: "(8) OFFSET, recto and verso, in ~~two~~ **at least three colours** and IRIS;"

<sup>109</sup> **PT:** As above, should avoid the colour blue.

<sup>110</sup> **CY:** remove the wording "anticancer background" and consider replacing it with: "Anti-scan/anti-copy patterns, integrated in the background". **DK:** "**antiscanner**". When antiscanner mentioned here, should in the background be in an anti-copy pattern ? **PT:** Should it be "anti-copy background"?

<sup>111</sup> **PT:** As above, "(...) at least **three (3)** colours, green and violet (...)."

<sup>112</sup> **PT:** Should this read "**microtext**" ?



**ANNEX II**  
**Uniform EU ETD sticker**

The uniform EU ETD sticker shall comply with the following specifications:

*Security features*

1. It shall contain an integrated<sup>113</sup> colour portrait of the holder, produced to high security standards. The facial image shall be that used for the purposes of Article 4(2).
2. It shall contain a diffractive optically variable device ('Kinegram' or equivalent). Depending on the angle of view, the letters 'EU', 'EUE' and kinematic guilloche lines shall become visible in various sizes and colours.<sup>114</sup>
3. It shall contain the three-letter country code as set out in ICAO Document 9303<sup>115</sup> on machine-readable travel documents of the issuing Member State in optically variable colouring. Depending on the angle of view, the country code shall appear in different colours.
4. The following shall appear in capital letters:
  - (a) the abbreviation 'EU ETD'; the assisting Member State may include the equivalent term in another official language of the Union;
  - (b) the name of the assisting Member State, in English, French and another official language of the Union;
  - (c) the three-letter country code of the assisting Member State, as set out in ICAO Document 9303<sup>116</sup>.
5. It shall contain the nine-digit national number of the EU ETD sticker in horizontal orientation, pre-printed in black. A special font type shall be used.

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<sup>113</sup> **DE:** the term "*integrated*" is not sufficiently specified. It is suggested to specify that the portrait must be integrated "**by inject printing techniques**".

<sup>114</sup> **DK:** With ref. to "*Kinegram*" - should an EU Directive mention a private company? Suggests to explicitly use the standardised acronym **DOVID**. Further suggests to specify the DOVID by reference to the new uniform format for visas (EU Regulation 2017/1370).

<sup>115</sup> **DE:** It is suggested to add "**Part 3**" with regard to the referenced ICAO Document 9303.

<sup>116</sup> **DE:** It is suggested to add "**Part 3**" with regard to the referenced ICAO Document 9303.

6. It shall contain the nine-digit national number of the EU ETD sticker in vertical orientation, pre-printed in red. A special font type shall be used, different from that used in point 5.<sup>117</sup>
7. It shall contain the letters ‘EU’ with a latent image effect. Those letters shall appear dark when tilted away from the viewer and light when then turned by 90°.
8. It shall contain the code as referred to in point 3 with a latent image effect. That code shall appear dark when tilted away from the viewer and light when then turned by 90°.

*Sections to be completed*<sup>118</sup>

The description of the sections to be completed shall appear in English and French. The issuing Member State may add a translation in another language of the Union.

Dates shall be written as follows: the day using two digits, the first of which is a zero if the day in question is a single digit; the month using two digits, the first of which is a zero if the month in question is a single digit; the year using two digits, which correspond with the last two digits of the year. Day and month should be followed by a horizontal dash. For example: 20-01-18 = 20 January 2018.

The uniform EU ETD sticker shall contain the following sections to be completed:

9. A section beginning with the words “for one journey to” and the word “via” shall appear further along the line. The issuing authority shall indicate here the destination country and any transit country for which the EU ETD is issued.
10. A section beginning with the words “valid from” and the word “until” shall appear further along the line. The issuing authority shall indicate here the period of validity of the EU ETD.
11. A section beginning with the words “issued by”, which shall be used to indicate the authority issuing the EU ETD and its location. Further along the line the word “on” shall appear, after which the date of issue shall be filled in by the issuing authority.

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<sup>117</sup> **DE:** The number printed in vertical orientation should protect the Kinegram (or equivalent) by printing the number on a section of the Kinegram (or equivalent).

<sup>118</sup> **DE:** suggests to also include a provision on the “**Portrait of the holder**” in this part of the Annex under the headline “*Sections to be completed*”.

12. A section beginning with the words “Surname, Name”. Further along the line the word “Nationality” shall appear.<sup>119</sup>
13. A section beginning with the words “Date of birth”. Further along the line the words “Place of birth” shall appear.
14. A section beginning with the word “remarks”. The area below the word “remarks” shall be used by the issuing authority to indicate any further necessary information, for example the type and number of the document replaced.

*Machine-readable information*

15. The EU ETD sticker shall contain the relevant machine-readable information to facilitate external border controls. 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.<sup>120</sup>
16. Space shall be reserved for the possible addition of a common 2D barcode.

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<sup>119</sup> **HU:** The inclusion of destination country and transit countries in the sections of the sticker is appreciated. However, in Annex II, para 12, the inclusion of section on holder’s sex could be considered, with regards to checking when crossing borders.

<sup>120</sup> **DE:** asks for a clarification of the applicable document type according to the ICAO categorisation of document types.