



STATUTORY INSTRUMENTS.

**S.I. No. 123 of 2018**



EUROPEAN UNION (CONSULAR PROTECTION) REGULATIONS  
2018

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I, SIMON COVENEY, Minister for Foreign Affairs and Trade, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No 27 of 1972) and for the purpose of giving effect to 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<sup>1</sup>, hereby make the following regulations:

*Citation*

1. (1) These Regulations may be cited as the European Union (Consular Protection) Regulations 2018.

(2) These Regulations come into operation on 1 May 2018.

*Interpretation*

2. (1) In these Regulations—

“assisting Member State” means a Member State of the European Union which provides assistance to an unrepresented citizen;

“not represented in a third country” means, in relation to a Member State, that the Member State concerned has no embassy or consulate established in the third country on a permanent basis, or has no embassy, consulate or honorary consul in that country which is effectively in a position to provide consular protection in a given case.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

*Obligation to provide consular protection*

3. (1) An embassy or consulate of the State shall provide consular protection to unrepresented citizens who seek such protection on the same conditions as to Irish citizens.

(2) A consulate of the State referred to paragraph (1) does not include an honorary consulate.

<sup>1</sup>OJ No. L 106, 24.4.2015, p.1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 24th April, 2018.*

*Unrepresented citizen*

4. (1) An unrepresented citizen seeking consular protection shall establish citizenship of the European Union by producing to a relevant diplomatic or consular officer—

- (a) a passport or identity card relating to the person concerned which identifies that person as a citizen of another Member State, or
- (b) where the person is unable to produce such passport or identity card, such other means of identification, including verification with the diplomatic or consular authorities of the Member State of which the applicant claims to be a national citizen.

(2) With respect to family members referred to in paragraph (7), the identity and existence of the family relationship may be proven by any means, including verification by the assisting Member State with the diplomatic or consular authorities of the Member State of the unrepresented citizen seeking assistance.

(3) When an embassy or consulate of the State receives a request for consular protection or assistance from a person who claims to be an unrepresented citizen, or is informed of an individual emergency situation of an unrepresented citizen, it shall, except in cases of extreme urgency, before providing assistance to the unrepresented citizen, consult without delay with the Ministry of Foreign Affairs of the Member State of which the person claims to be a citizen and provide it with all the relevant information at its disposal, including information relating to—

- (a) the identity of the person concerned,
- (b) the possible costs of consular protection, and
- (c) any family members to whom consular protection may also need to be provided.

(4) The embassy or consulate concerned shall facilitate the exchange of information between the unrepresented citizen concerned and the authorities of the Member State of which he or she is a citizen.

(5) The Member State of which an unrepresented citizen is a citizen may request the State to redirect the unrepresented citizen's application or case to that Member State in order for that Member State to provide consular protection in accordance with its national law or practice.

(6) The State shall relinquish the case where the Member State of which the person is a citizen confirms that it is providing consular protection to the unrepresented citizen.

(7) Consular protection shall be provided to family members, who are not themselves citizens of the Union, accompanying unrepresented citizens in a third country, to the same extent and on the same conditions as it would be provided

to the family members of Irish citizens, who are not themselves citizens of the European Union.

*Reimbursement of costs*

5. (1) An unrepresented citizen who requests protection or assistance from an Irish embassy or consulate shall complete the form set out at A or B in Annex I to the Directive.

(2) An assisting Member State, which provides assistance to an unrepresented Irish citizen, may ask the Minister of Foreign Affairs and Trade for reimbursement and the Minister of Foreign Affairs and Trade shall reimburse those costs within a reasonable period of time, not exceeding 12 months.

(3) The Minister of Foreign Affairs and Trade may seek the reimbursement of the costs referred to in paragraph (2) from the citizen concerned.

(4) Where consular protection is provided to an unrepresented Irish citizen in the case of arrest or detention and involves unusually high but essential and justified costs related to travel, accommodation or translation for the diplomatic or consular authorities of the assisting Member State, that Member State may ask for the reimbursement of such costs from the Minister of Foreign Affairs and Trade, who shall reimburse them within a reasonable period of time, not exceeding 12 months.

(5) Where the State provides protection or assistance of the kind referred to in paragraph (4) to an unrepresented citizen of another Member State, the Minister of Foreign Affairs and Trade may seek such costs in the form set out in Annex II to the Directive, under the same conditions, from the Member State of the unrepresented citizen.

(6) In crisis situations the assisting Member State may submit any requests for reimbursement of the costs of any support provided to an unrepresented Irish citizen to the Minister of Foreign Affairs and Trade even where the unrepresented citizen has not signed an undertaking to repay such costs and the Minister of Foreign Affairs and Trade may seek repayment of the costs incurred from the citizen concerned.

(7) The State, where protection or assistance has been provided to a number of unrepresented citizens, may ask the Member State of those citizens to reimburse such costs on a pro-rata basis, by dividing the full value of the actual costs incurred by the number of citizens assisted.

(8) Where the assisting Member State was financially supported by way of assistance from the Union Civil Protection Mechanism, any contribution from the unrepresented citizen's Member State of nationality shall be determined after deduction of the Union's contribution.



GIVEN under my Official Seal,  
18 April 2018.

SIMON COVENEY,  
Minister for Foreign Affairs and Trade.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations give effect to 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.

These Regulations shall come into operation on [1st] [May] 2018

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