

2 Legislative text

The Government proposes the following legislative text.

2.1 Proposed Act on Consular Disaster Response

The following is hereby enacted.

General provisions

Section 1

The State will implement a consular disaster response to assist individuals when many people with ties to Sweden are affected by a crisis or a disaster abroad and the need for evacuation and other measures, in view of the nature of the event, its effects and circumstances, in general cannot be met by other means and the response does not encounter any particular obstacles for any other reason.

Section 2

Provisions on disaster medicine operations abroad are given in the Act on disaster medicine as part of Swedish responses abroad (2008:552).

Who is covered by a consular disaster response

Section 3

A consular disaster response may only cover

1. Swedish citizens,
2. foreign family members of Swedish citizens,
3. foreign residents of Sweden,
4. citizens of Denmark, Finland, Iceland and Norway and their family members to the extent that follows from the consular obligations that Sweden has in relation to these countries under Article 34 of the Nordic Treaty of Cooperation of 23 March 1962 between Sweden, Denmark, Finland, Iceland and Norway (Swedish Treaty Series 1962:14 and Swedish Treaty Series 1974:31), and
5. citizens of other European Union countries, to the extent that follows from the consular responsibilities that Sweden has in relation to these countries under the Treaty on the Functioning of the European Union.

Decision on consular disaster response

Section 4

The Government decides whether a consular disaster response is to be implemented.

Liability for costs

Section 5

Those who are covered by a consular disaster response are liable to reimburse the State for costs incurred when they are transported or given health and medical care.

If a consular response covers someone who at the time of the response is under the age of 18, the person who was the guardian when the event occurred that led to the liability to reimburse costs is obliged to reimburse costs referred to in Section 1. If there are special grounds, the claim for reimbursement may be made against the minor.

If a consular disaster response included the transport of a deceased person, the estate of the deceased person is liable to pay for the transport costs.

Section 6

Matters concerning reimbursement to the State shall be considered by the authority designated by the Government.

Section 7

Liability for costs under Section 5 may be adjusted or waived if there are special grounds for this in view of the personal or financial circumstances of the person liable for payment and the circumstances in general.

Collection

Section 8

Amounts referred to in Section 5 which are not paid are to be turned over for collection. Collection may be enforced under the Swedish Enforcement Code. The Act on the Collection of Debts to the State (1993:891) contains provisions on collection.

The Government issues regulations to the effect that collection shall not be requested for small amounts.

Appeals

Section 9

Decisions regarding liability for costs may be appealed to a general administrative court.

Leave to appeal is required for an appeal to the administrative court of appeal.

Other provisions

Section 10

Provisions regarding the right to consular financial assistance to individuals abroad are given in the Consular Financial Assistance Act (2003:491).

Financial assistance to individuals covered by a consular disaster response in accordance with this Act is not covered by the Consular Financial Assistance Act.

Section 11

The Government or the authority designated by the Government will issue more detailed regulations concerning consular disaster response.

This Act enters into force on 1 August 2010.