Combating illegal immigration: financial penalties imposed on carriers. Initiative France

2000/0822(CNS) - 04/09/2000 - Initial legislative proposal

PURPOSE : to harmonise the financial penalties imposed on carriers of third country nationals without travel documents or visas on the territory of the European Union. CONTENT : the draft proposal (French initiative), aims to combat illegal immigration by providing measures to Member States which set out the obligations of carriers of foreign nationals on the Member States' territory. To this effect, it provides for the harmonisation of financial penalties currently provided by the Member States, by establishing a minimum amount in the case of violation of these obligations. This amount is fixed at EUR 2000 per stowaway. The carriers concerned are sea and air carriers as well as coaches carrying out international cross-border links with the exception of local border traffic. It is provided that the carrier who allows the entry of the third-country national on to the territory of a Member State without travel documents or without a visa, shall take reponsibility for this person and return them to the Member State where they came from or to a Member State where their admission shall be guaranteed. Similar measures are provided for third country nationals in transit. If the carrier is not able to ensure the return of the stowaway in question, his redirection by another means shall be provided, the costs of which shall be incurred by the carrier. The provisions provided in the draft directive shall not in any case be prejudicial to the exercise of the right to asylum. As a consequence, the Member States shall not apply penalties when the non-Community national concerned is admitted on the territory for reasons of asylum. The Member States shall be authorised to support or to introduce additional measures for carriers if they wish (including confiscation of the vehicle, temporary suspension or retracting of the right to operate). Lastly, if by applying the Schengen Convention, a Member State decides to re-establish border controls, it should be able to apply the measures provided by the draft directive at its internal borders. It should also be added that the draft directive is noted in the extension of the Schengen Acquis, in accordance with the protocol integrating the Schengen Acquis.