Third-country nationals: decisions on expulsion, mutual recognition. Initiative France

2000/0819(CNS) - 29/11/2000 - Legislative proposal

In a letter dated 28 June 2000, France forwarded to the Council an initiative with a view to the adoption of a Council Directive on the mutual recognition of decisions on the expulsion of third-country nationals. On 18 October 2000, the United Kingdom gave notice that it wished to participate in the adoption and implementation of the directive subject to prior parliamentary scrutiny of the draft. The draft directive was examined on several occasions by the Council's Migration and Expulsion Group, as well as by the Strategic Committee on Immigration, Frontiers and Asylum. Following this work, the Council reached a consensus on 29 November 2000 on the draft directive and statements for entry in the Council minutes. For the most part, this new draft is along similar lines to the initial draft. However, the following important changes should be noted: - the draft directive does not apply to family members of citizens of the Union who have exercised their right of free movement; - it is no longer stipulated that persons who are the subject of an expulsion measure have to have reached their majority; - the existence of an expulsion decision in one Member State when the person concerned has a permit to stay in another Member State may result in the withdrawal of this permit insofar as the national legislation of the Member State that issues the permit permits it; - the expulsion decision and the enforcement measure have to be in accordance with the European Convention on Human Rights and other international instruments applicable, and without prejudice to the provisions of the Dublin Convention and readmission agreements between Member States. Furthermore, the new draft contains a new chapter that deals with the compensation of financial imbalances where expulsion cannot be effected at the expense of the nationals of the third country concerned. These compensation measures should be adopted before the entry into force of the directive. Lastly, the new draft includes two statements for entry in the minutes of the Council meeting at which the directive is adopted: 1) Finland is in favour of measures which aim to ensure greater efficiency in enforcing expulsion decisions. Therefore, a just and efficient application of the principles of this Directive and especially a fair treatment of third country nationals requires an appropriate approximation of the national legislations in this area in the future; 2) The Council stresses that the adoption of the criteria and practical arrangements is necessary for the proper implementation of this directive. It calls on the Commission to submit the relevant proposal at the earliest opportunity.