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

2000/0819(CNS) - 28/05/2001 - Final act

PURPOSE: to establish mutual recognition of decisions on the expulsion of third country nationals. COMMUNITY MEASURE: Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals. CONTENT: In seeking to ensure greater effectiveness in enforcing expulsion decisions and better cooperation between Member States entailing mutual recognition of expulsion decisions and despite protests (refer to previous document) from the European Parliament, the Council decided the following: - a third country national is the subject of an expulsion decision based on a serious and present threat to public order or to national security and safety, taken in a number of cases (for example, an offence punishable by penalty, serious criminal offences). If the person concerned holds a residence permit issued by the enforcing Member State, the enforcing State shall consult the issuing State and the State which issued the permit; - a third country national is the subject of an explusion decision based on failure to comply with national rules on the entry or residence of aliens; - the authorities of the issuing Member State and of the enforcing Member State shall make use of all appropriate means of cooperation and of exchanging information to implement this Directive (in accordance with the SIRENE Manual); - Member States shall compensate each other for any financial imbalances which may result from application of the Directive where expulsion cannot be effected at the expense of the national(s) of the third country concerned; - Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 02.12.2002. ENTRY INTO FORCE: 02.06.2001.