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

2000/0822(CNS) - 27/02/2001

The committee adopted the report by Timothy KIRKHOPE (EPP-ED, UK) amending the proposal under the consultation procedure. The committee wanted fines to be waived if a third-country national sought asylum immediately after arrival, was granted refugee status or a subsidiary form of protection or was admitted to the asylum determination procedure. The committee rejected the proposal that the carrier should take charge of the person if immediate onward transportation was impossible, arguing that in such cases the carrier should inform the police and hand over responsibility to the authorities. To show a common and coherent attitude against illegal immigration, the committee wanted a minimum penalty of EUR 5000 to be imposed on carriers who failed to respect their obligations. It rejected the two other alternative penalties provided for in the proposal, arguing that they were irrelevant and also contradictory to the principle of a minimum penalty explicitly mentioned in the first recital of the proposal. The committee also felt that the requirement for carriers to return third-country nationals should not prevent the latter making use of the means of defence and legal guarantees provided for in the legislation of the Member State concerned. Lastly, the committee said the directive should not enter into force within 30 days of its publication, but only after 12 months, to allow the Member States time to make the necessary changes to their legislation.