Basic information

2000/0819(CNS) CNS - Consultation procedure Decision	Procedure completed
Third-country nationals: decisions on expulsion, mutual recognition. Initiative France Repealed by 2025/0059(COD) **Subject** 7.10.08 Migration policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	NASSAUER Hartmut (PPE-DE)	14/09/2000

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	NASSAUER Hartmut (PPE-DE)	14/09/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	WALLIS Diana (ELDR)	17/10/2000
PETI Petitions	SBARBATI Luciana (ELDR)	09/10/2000

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2350	2001-05-28

Key events

Date	Event	Reference	Summary
20/07/2000	Initial legislative proposal published	10130/2000	Summary
04/09/2000	Committee referral announced in Parliament		

29/11/2000	Legislative proposal published	13968/2000	Summary
05/12/2000	Vote in committee		
05/12/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0394/2000	
27/02/2001	Vote in committee		Summary
27/02/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0065/2001	
13/03/2001	Decision by Parliament	T5-0127/2001	Summary
13/03/2001	Debate in Parliament		
28/05/2001	Act adopted by Council after consultation of Parliament		
28/05/2001	End of procedure in Parliament		
02/06/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0819(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2025/0059(COD)
Legal basis	EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/13501 LIBE/5/13497

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0394/2000	05/12/2000	
Committee report tabled for plenary, 1st reading/single reading		A5-0065/2001	27/02/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0127/2001 OJ C 343 05.12.2001, p. 0023-0091	13/03/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Initial legislative proposal	10130/2000 OJ C 243 24.08.2000, p. 0001	20/07/2000	Summary
Legislative proposal	13968/2000	29/11/2000	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2001/0040 OJ L 149 02.06.2001, p. 0034	Summary

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

2000/0819(CNS) - 20/07/2000 - Initial legislative proposal

PURPOSE: French initiative with a view to adopting a Council Directive on mutual recognition of decisions on the expulsion of third country nationals. CONTENT: The Treaty on European Union stipulates that the Council is to adopt measures on immigration policy within areas comprising conditions of entry and residence, as well as illegal immigration and illegal residence. The European Council, meeting in Tampere, in October 1999, reaffirmed its resolve to create an area of freedom, security and justice. For that purpose, a common European policy on asylum and migration should aim both at fair treatment of third country nationals and better management of migration flows. The need to ensure greater effectiveness in enforcing expulsion decisions and better cooperation between Member States entails mutual recognition of expulsion decisions. Decisions for the expulsion of third country national have to be adopted in accordance with fundamental rights, as safeguarded by the 1950 European Convention for the Protection of Human Rights and Fuundamental Freedoms (in particular Article 3 and 8) and the 1951 Geneva Convention on the Status of Refugees, and as they result from the constitutional principles common to the Member States. In accordance with the principles of subsidiarity and proportionality, the objective of the proposed action, namely cooperation between Member States on expulsion of third country national, cannot be sufficiently achieved by the Member States and therefore, by reason of the effects of the action, be better achieved by the Community. This draft Directive does not go beyond what is necessary to achieve that objective. The main provisions of the proposed Directive are as follows: - to make possible the enforcement of an expulsion decision issued by a competent authority in one Member State against a third country national present within the territory of another Member State; - definitions are provided for 'third country national', 'expulsion decision', and 'enforcement measure'; - specification of the cases when an expulsion can be carried out (e.g. a serious and present threat to public policy or public security or to national security, or failure to comply with national regulations on the entry or residence of aliens); - where the enforcing Member State has no information as to the continued enforceability of the expulsion decision, it shall ascertain from the issuing Member State that the decision remains enforceable. The enforcing Member State shall first examine the situation of the person concerned under the relevant international instruments and under the national rules applicable; - the third country national concerned must be able to bring proceedings for a remedy against the enforcement measure under the conditions laid down by the enforcing Member State's legislation. Where, under the enforcing Member State's legislation, such remedy is not suspensive in effect, that State shall carry out the enforcement measure and inform the issuing Member State accordingly. Where, under the enforcing Member State's legislation, such remedy is suspensive in effect, the enforcementmeasure shall not be carried out until all remedies have been exhausted and the issuing State's enforcement measureupheld; - protection of personal data and data security shall be ensured in accordance with national legislation adopted pursuant to Council and Parliament Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

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

2000/0819(CNS) - 13/03/2001 - Text adopted by Parliament, 1st reading/single reading

In line with the non-binding resolution of Hartmut NASSAUER (EPP/ED, D) the European Parliament voted to reject the French initiative on mutual recognition of decisions on the expulsion of third country nationals.

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.

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.