Basic information

2003/0822(CNS) CNS - Consultation procedure Directive	Procedure lapsed or withdrawn
Third-country nationals: removal, mutual assistance in cases of transit. Initiative Italy **Subject** 7.10.08 Migration policy 7.30.05 Police cooperation	

Key players

Council of the European Union	

Key events

Date	Event	Reference	Summary
09/09/2003	Legislative proposal published	12026/2003	Summary
22/09/2003	Committee referral announced in Parliament		
19/02/2004	Vote in committee		

Technical information

Procedure reference	2003/0822(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	11770/2003	08/08/2003	Summary
Legislative proposal	12026/2003 OJ C 223 19.09.2003, p. 0005-0009	09/09/2003	Summary
Document attached to the procedure	15788/1/2003	08/12/2003	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Third-country nationals: removal, mutual assistance in cases of transit. Initiative Italy

2003/0822(CNS) - 09/09/2003 - Legislative proposal

PURPOSE : Italian initiative to define measures on assistance between Member States in cases of escorted transit through the territory of one or more Member States of third-country nationals who are the subject of removal orders by a Member State. CONTENT : The justification for this initiative is the need terminate the illegal residence of third coutnry nationals subject to removal orders, using direct and mutual assistance procedures between Member States. - The decision to remove a third-country national, who is the subject of a removal order, through the territory of one or more Member States shall be taken on the basis of practical considerations such as the geographical proximity to another Member State of the third-country national's country of origin or destination. - Before removing third-country nationals, who are the subject to removal orders, through the territory of one or more Member States, Member States shall first examine whether it is possible to use direct air or sea links with the country of origin or destination of the said nationals. - the requested Member State may refuse transit if, inter alia: - the third country national in question is subject to criminal proceedings in the requested Member State or has been condemned to serve a prison sentence; - transit through the territory of one or more Member States is not possible for any reason; - the requested assistance is impossible for practical reasons; - the third country national will be a threat to public order, public security or public health or to the international relations of the requested Member State; - the third country of origin or destination has a border with the requesting Member State. Requests for transit must be made on a prescribed form. There are time limits for making and acceding to the request. As a general rule, the transit operation must take place within 36 hours. The draft initiative makes provision for the assistance measures that the requested State will give to the requesting State. The latter must also readmit the third country national under certain circumstances. The draft also lays down provisions on the escort for such removals. Escort personnel powers will be limited to legitimate defence. They may also tale action to prevent the escape of the third country national. They must not carry weapons and will wear civilian clothes. Finally, there is a safeguard clause with regard to obligations towards asylum, and a clause stating that the initiative must be implemented with full respect for human rights.

Third-country nationals: removal, mutual assistance in cases of transit. Initiative Italy

2003/0822(CNS) - 08/08/2003 - Document attached to the procedure

This document consists of a note from the Italian presidency to the delegations.It includes an explanatory memorandum which aims to set out the objectives of the draft Directive as well as a series of specific observations concerning the articles contained in the initiative. The purpose of the present Directive is to lay down provisions which, having regard to human rights and fundamental freedoms and other current instruments on asylum and the protection of minors, will reconcile the general interest with the efficient removal of third-country nationals through the territory of one or more Member States. The Italian presidency reinserts its draft Directive in the wider context of asylum and immigration questions and attaches the proposal to the Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures emphasised the need for effective cooperation in the removal of third-country nationals, particularly by air. It states that the Thessaloniki European Council considered that the implementation of a common policy on the return of illegally residing persons was the responsibility of the Member States, but emphasised that greater efficiency could be achieved by, among other things, reinforcing existing cooperation between the Member States.