

Brussels, 21 May 2002

9017/02 (Presse 153)

DECISION ADOPTED BY WRITTEN PROCEDURE

Temporary reception of certain Palestinians by EU Member States

Following the understanding reached between the Palestinian Authority and the Israeli government on 5 May 2002 about transferring abroad 13 Palestinians evacuated from the Church of the Nativity in Bethlehem, and the agreement of those persons to be transferred temporarily to Member States of the European Union, the Council unanimously adopted by written procedure on 21 May a common position on the reception by EU Member States of the persons in question.

12 of the 13 Palestinians will be received on a temporary basis on humanitarian grounds by Belgium, Greece, Spain, Ireland, Italy and Portugal. One of them is to remain in Cyprus. Each of the Member States concerned will issue a national permit allowing them to enter and stay in its territory for a period of up to 12 months. These permits will be restricted to the territory of the Member State concerned, and do not imply a right to move freely inside the Union. Matters such as housing, living conditions, the relations to members of their family, access to employment or vocational training will be governed by the national law of each receiving Member State, although Member States will exchange information in order to encourage as far as possible comparable treatment.

In the eventuality of a third State requesting extradition of any of these persons, the Member States concerned have agreed to consult the other Member States within the Council in order to examine the situation and see whether the matter can be approached along common lines before taking a position in accordance with national legal practices.

The adoption of this common position underlines the Union's commitment to make every effort to contribute to a lasting peace and to establishing friendly relations between the Israeli and Palestinian peoples, in accordance with the principles of the UN Charter. The full text of the common position is attached.

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Council Common Position/..../CFSP
of

concerning the temporary reception by Member States of the EU of certain Palestinians

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article 15 thereof;

Whereas:

- (1) The peaceful evacuation of the Church of the Nativity in Bethlehem in accordance with the terms of an understanding between the Palestinian Authority and the Government of Israel reached on 5 May 2002, and its flanking arrangements or unilateral undertakings by parties to that understanding, constitutes an important effort to help tempering the crisis situation in the region and to restore a dialogue between the parties;
- (2) The understanding reached between the Palestinian Authority and the Government of Israel implies that 13 persons from a group of Palestinians evacuated from the Church of the Nativity have agreed to be transferred abroad and that the Government of Israel, the Palestinian Authority and other parties concerned have agreed on the transfer abroad of the 13 Palestinians in question, 12 of whom are to be received by Member States and one of whom is to remain in the Republic of Cyprus;
- (3) The European Union is committed to making every effort to contribute to the establishment of a lasting peace and friendly relations between the Israeli and Palestinian peoples, in accordance with the principles of the United Nations Charter. With a view to contributing to that effort and in the light of the agreement by the Government of Israel, the Palestinian Authority and other parties concerned on the transfer abroad of the said Palestinians, several Member States have declared themselves willing to receive, on a temporary basis and exclusively for humanitarian reasons, one or more of these Palestinians who have agreed to be transferred to their territories;
- (4) Although the decisions to grant entry into, and stay in, their territory to any of those persons on humanitarian grounds fall within the competence of each receiving Member State and do not imply a right for the persons concerned to move freely within the territories of the Member States, it is important to adopt a common approach at the level of the European Union to certain aspects related to such decisions;
- (5) It is in particular desirable to ensure that the persons concerned receive a comparable treatment in each of the receiving Member States with respect to such matters as the duration of their permit to stay, the protection of their security and the security of others, and to ensure that the Member States concerned exchange information to that end;

- (6) In exercising their responsibilities with regard to the maintenance of law and order in their own territories and the safeguarding of their own internal security, the receiving Member States will take account of the public order and security concerns of other Member States. Receiving Member States accordingly express their readiness to readmit any of the Palestinians they have received who may illegally enter the territory of another Member State or who are otherwise not allowed to stay there;
- (7) It is desirable to evaluate at the level of the Union after a reasonable period the way in which the reception of the 12 Palestinians by the Member States concerned is being carried out in practice and any questions which may have arisen in the application of this instrument;

HAS ADOPTED THIS COMMON POSITION:

Article 1

This Common Position concerns 12 of the 13 Palestinians belonging to the group of Palestinians in respect of which a Memorandum of Understanding has been reached between the Palestinian Authority and the Government of Israel as of 5 May 2002 concerning the peaceful evacuation of the Bethlehem Church of the Nativity and who have agreed to be transferred temporarily to, and be received by, Member States of the European Union.

Article 2

12 of the 13 Palestinians referred to in Article 1 shall be received on a temporary basis and exclusively on humanitarian grounds by the following Member States:
Belgium, Greece, Spain, Ireland, Italy and Portugal.

Article 3

Each of the Member States referred to in Article 2 shall provide the Palestinians it receives with a national permit to enter its territory and stay for a period of up to 12 months.

The validity of this permit shall be limited to the territory of the Member State concerned, which shall take the appropriate measures in that regard. The issuance of this permit may be submitted to specific conditions to be accepted by the Palestinians concerned before their arrival.

Article 4

Each Member State referred to in Article 2 shall take appropriate measures within its legal system to protect the personal security of Palestinians received by it and to avoid them compromising the public order or internal security of the Member States.

Article 5

In addition to their obligations under existing provisions of Community law and of acts adopted pursuant to Title VI of the Treaty on European Union, Member States shall exchange between each other such information as may be relevant for the proper application of measures taken pursuant to this Common Position, including such information as may be necessary to permit the identification of the persons referred to in Article 1.

Article 6

Such matters as those related to housing, living conditions, relations to members of their family, access to employment or vocational training shall be governed by the national law of each receiving Member State. The Member States referred to in Article 2 shall, however, provide each other and, upon request, other Member States, with relevant information on these matters, in order to encourage as far as possible a comparable treatment.

Article 7

If a Member State referred to in Article 2 is requested by a third State to extradite a Palestinian received by it, that Member State shall inform the other Member States promptly thereof. It shall, before taking a position as to the response to be given to such extradition request in accordance with national legal practices, consult the other Member States, within the Council, in order to examine the situation and to see whether Member States can approach the matter along common lines.

Article 8

The Council shall keep the application of this Common Position under review and shall evaluate such application within 11 months from its adoption or earlier at the request of any of its members.

Article 9

This Common Position shall take effect on the day of its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels,

For the Council
The President
