



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2007

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**ASIM 23
ENFOPOL 37**

"I/A" ITEM NOTE

from : General Secretariat of the Council
to: Permanent Representatives Committee / Council

Subject : **Adoption of a Council Resolution on information exchange on the expulsion of third-country nationals due to behaviour related to terrorist activity or inciting violence and racial hatred**

1. On 26 April 2006, the French delegation submitted a draft Council Resolution on the above subject. It aimed at establishing a mechanism for information exchange between Member States on certain expulsions carried out on their territory.

On 26 February 2007, an agreement was reached at the Strategic Committee on Immigration, Frontiers and Asylum, subject to a scrutiny reservation by the Netherlands delegation which has subsequently been lifted.

2. The Permanent Representatives Committee is invited to suggest that the Council adopt the Resolution as set out in the Annex to this note.

Council Resolution on information exchange on the expulsion of third-country nationals due to behaviour related to terrorist activity or inciting violence and racial hatred

THE COUNCIL OF THE EUROPEAN UNION,

CONSIDERING:

- (1) The European Union action plan on combating terrorism, as amended and approved by the Committee of Permanent Representatives on 16 February 2006 and in particular point 3.1.12 thereof calling upon the Council to develop "a common approach to the exchange of information on deportations and expulsions related to terrorism".
- (2) The European Union action plan for combating radicalisation and recruitment to terrorism, in particular the task contained in measure 42,

HAS ADOPTED THIS RESOLUTION:

1. Where the competent (administrative or judicial) authorities of a Member State have decided to expel a third-country national from its territory on the grounds of behaviour linked to terrorist activities or constituting acts of explicit and deliberate provocation of discrimination, hatred or violence against a specific individual or group of individuals, they will, in accordance with their national legislation, inform the competent departments of the other Member States as soon as possible. The information exchange will serve as a warning system. It is up to the other Member States to decide how to use the information provided, based on the relevant national law and procedures.

2. For this purpose, the competent departments of the Member States will use the bureau de liaison secure network channel.
3. This will be the procedure when the competent authority has decided that any third-country national referred to in paragraph 1 is to be expelled from the territory. Under this Resolution, a six-monthly summary will also be sent.
4. This Resolution does not create any requirement to harmonise the criteria governing the expulsion of individuals on the territory of an EU Member State.

It does not interfere with the discretionary power of the competent authorities of each Member State to authorise or refuse a foreign national residence, temporary or otherwise, on its territory.

The transmission of information referred to in paragraph 1 is without prejudice to the application of the provisions of Article 96 (3) of the Convention Implementing the Schengen Agreement of 14 June 1985.

5. The results achieved in the implementation of this Resolution will be assessed by the Council one year after its adoption. The assessment will focus exclusively on the quantitative aspect of the exchanges and will have no access to nominative individual information, in accordance with legislation on data protection.
