



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 November 2006

15664/06

LIMITE

**ASIM 81
ENFOPOL 203**

OUTCOME OF PROCEEDINGS

of : Working Party on Migration and Expulsion/Mixed Committee
(EU-Iceland/Norway/Switzerland)

on : 6 November 2006

No. prev. doc. : 8663/06 ENFOPOL 77 ASIM 28

Subject: Draft Council Resolution on information exchange on the expulsion of radical preachers inciting violence and racial hatred

1. Following a request by the Strategic Committee on Immigration, Frontiers and Asylum, the Working Party on Migration and Expulsion, at its meeting on 6 November 2006, had an exchange of views concerning the draft Council Resolution (based on an initiative of the French delegation) on information exchange on the expulsion of radical preachers inciting violence and racial hatred.
2. **The scope of the draft Resolution**
DE suggested defining the target group of the draft Resolution more precisely having as ultimate objective the facilitated return of the persons contained in this group. In this context, **DE** and **ES** pointed out that the scope of the instrument could be widened by referring to "*persons encouraging/provoking radical activities, hatred and terrorism*". **FR** underlined that the current target group is wide enough to address the above concerns (see also, footnote 1 at page 3)

3. **The appropriate means for the exchange of information**

Delegations underlined that the choice of the most appropriate channel for the exchange of information for the purposes of the Resolution should be examined carefully, giving a priority to existing networks.

ES suggested exploring the possibility to use the SIS (II). **FR** and **NL** indicated that the Police Co-operation experts would be more competent to decide on this issue. Moreover, **FR** supported by **UK**, pointed out that the BDL Secure Channel (which is mentioned in the text of the draft Resolution) should be given serious consideration.

4. **The data protection issues**

DE and **ES** underlined that the data protection should be attentively taken into account in the drafting and the implementation of the draft Resolution, pointing at the difficulties which may be created especially by reference to religious issues.

5. **The relation of the Resolution with the proposal for a European Parliament and Council Directive on common standards and procedures in Member States for returning illegally staying third-country nationals**

Possible overlapping with SIS and the Visa Consultation procedure

The **Cion** pointed out that the EU-wide re-entry ban provided for in the above proposal will (once the Directive enters into force) play an important role for the prevention of re-entry of expelled third-country nationals who are included in the scope of the draft Resolution. In this framework, **DE** indicated that re-entry attempts of such persons could be controlled through SIS and the Visa Consultation procedure and expressed its concerns about the added value of this Resolution.

The text of the draft Resolution is set out in the Annex of this note.

THE COUNCIL OF THE EUROPEAN UNION,

CONSIDERING:

- (1) The European Union action plan on combating terrorism, as amended and approved by Coreper on 16 February 2006 (5771/06 JAI 34), and in particular Article 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 (14782/05 JAI 453), and more specifically measure 36 thereof stating that "Member States should, where possible, share information on terrorist-related deportations or expulsions, including radical imams inciting terrorism, in order to prevent the re-entry of deported individuals into EU territory",

HAS ADOPTED THIS RESOLUTION:

1. Where the competent (administrative or judicial) authorities of a Member State have expelled a third-country national from its territory on the grounds of behaviour linked to terrorist activities or¹ constituting acts of explicit and deliberate provocation of discrimination, hatred or violence against a specific individual or group of individuals, they will systematically inform the competent departments of the other Member States as soon as possible.
2. For this purpose, the competent departments of the Member States will use the BDL secure network channel.
3. This will be the procedure when any radical preacher is expelled from the territory. Under this Resolution, a six-monthly summary will also be sent.

¹ FR suggested replacing "or" by "and" in order to better define the scope of the draft Resolution.

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.

5. The results achieved in the implementation of this Resolution will be assessed by the Council one year after its entry into force. 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.
6. This initiative will enter into force three months after its adoption by the Council.
