



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 January 2007

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LIMITE

**ASIM 3
ENFOPOL 3**

NOTE

from : Presidency
to : Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)

No. prev. doc. : 15664/06 ASIM 81 ENFOPOL 203

Subject : Draft 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

At the meeting of the Article 36 Committee on 8 June 2006 in Brussels, the French delegation presented a draft Council Resolution on information exchange on the expulsion of radical preachers inciting violence and racial hatred (8663/06 ENFOPOL 77 ASIM 28 of 26 April 2006).

This draft was discussed in the Strategic Committee on Immigration, Frontiers and Asylum on 29 September 2006 and again on 8 December 2006, in the Working Party on Expulsion on 6 November 2006, and in the Working Party on Terrorism on 21-22 November 2006.

In view of these discussions, the Chair presents in the Annex to this Note a revised draft. Changes to 15664/06 ASIM 81 ENFOPOL 203 are highlighted in bold and strike through.

Draft Council Resolution on information exchange on the expulsion of ~~radical preachers~~ **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 Coreper on 16 February 2006 (5771/1/06 JAI 34), 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 (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 or 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~~ **bureau de liaison** secure network channel.

3. This will be the procedure when any ~~radical preacher~~ **third-country national referred to in paragraph 1** is expelled from the territory. Under this Resolution, a six-monthly summary will also be sent.

The transmission of information will comply with the principles of Directive 95/46/EC.¹

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 does not relieve the transmitting state of any obligations under Article 96 (3) of the Convention Implementing the Schengen Agreement of 14 June 1985.²

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.

¹ Directive 95/46/EC referred to in paragraph 3 is Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

² Paragraph 4 has been expanded in view of the aim to prevent the re-entry of deported individuals into EU territory, stated in paragraph 2 of the recitals, above all by consistently sharing information on entry bans via the Schengen Information System.