



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 July 2008 (15.07)  
(OR. fr)**

**11727/08**

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**Interinstitutional file:  
2007/0094 (COD)**

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**LIMITE**

**MIGR            56  
SOC             421  
DROIPEN       61  
CODEC          959**

**NOTE**

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from:            Presidency  
to:                Permanent Representatives Committee/Council

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No Cion prop.:    9871/07 MIGR 43 SOC 227 DROIPEN 49 CODEC 623

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Subject:          Proposal for a Directive of the European Parliament and of the Council  
                      providing for sanctions against employers of illegally staying third-country  
                      nationals

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On 16 May 2007 the Commission presented a proposal for a Directive providing for a minimum harmonisation of administrative, financial and criminal sanctions against employers of illegally staying third-country nationals. The proposal is part of the EU's efforts to develop an overall policy on migration and is intended to combat a significant pull factor for illegal immigration and exploitation of migrants. Its purpose is to have Member States apply a common framework for dissuasive action.

The proposed Directive has been under discussion in Council bodies (Working Party on Migration and Expulsion and Strategic Committee on Immigration, Frontiers and Asylum) since June 2007. In addition, pursuant to a decision taken by Coreper at its meeting on 5 July 2007, the Working Party on Social Questions and the Working Party on Substantive Criminal Law have submitted opinions on the aspects of the proposed Directive that fall within their remits.

Following proceedings under the Slovenian Presidency, the French Presidency has prepared a draft compromise, which was discussed in the Working Party on Migration and Expulsion on 1 July 2008. Compromise suggestions on certain major points were also raised in the Strategic Committee on Immigration, Frontiers and Asylum on 10 July 2008.

It is envisaged that the following key questions, for which Council guidelines would be necessary in order for negotiations to progress, will be discussed at the JHA Council of 24 and 25 July 2008:

1. *Do you consider that minimum rules on criminal sanctions against employers are justified in order effectively to combat the employment of illegally staying third-country nationals?*
  
2. *For the purpose of implementing the provisions of the Directive effectively, are you in favour of inspection actions that include quantified common inspection targets in the sectors of activity identified by each Member State as most open to abuse?*

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