



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 December 2003

15788/03

**MIGR 107
COMIX 745**

"I" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee
Subject : Initiative of the Italian Republic with a view to adopting a Council Directive on assistance in cases of transit through the territory of one or more Member States in the context of removal orders taken by Member States against third-country nationals

1. By letter received on 5 August 2003, the Italian Republic forwarded the above Initiative. The text of this Initiative, as set out in 12026 MIGR 76 COMIX 503, was submitted to the Permanent Representatives Committee, which decided, at its meeting held on 10 September 2003, to authorise its publication and to launch the procedure for the consultation of the European Parliament (see 12275/03 MIGR 78).
2. The text of the initiative was considered by the relevant Council body, the Working Party on Migration and Expulsion, at its meeting held on 14 September 2003. Already at the stage of its first examination various delegations expressed some concerns with regard to this Initiative and in particular on the need to set specific rules for the case of the transit through the territory in the context of removal orders taken by Member States against third-country nationals.

3. Taking account of those comments and while convinced of the interest and of the importance to define at European level a legal framework for such cases, the Presidency considered that it might be preferable, in the current circumstances, not to proceed in the examination of the Initiative. For this reason, it decided to submit to the Working Party draft conclusions on the transit through the territory in the context of removal orders taken by Member States against third-country nationals. The Working Party endorsed such a decision.

4. The **Permanent Representatives Committee** is invited to authorise the General Secretariat of the Council to inform the European Parliament, which has already started examining the Initiative with a view to rendering its opinion, with regard to the developments on this issue.
