
Article 1
1. Without prejudice to the obligations arising from Article 23 and to the application of Article 96 of the Convention implementing the Schengen Agreement of 14 June 1985, signed at Schengen on 19 June 1990, hereinafter referred to as the “Schengen Convention”, the purpose of this Directive is to make possible the recognition of an expulsion decision issued by a competent authority in one Member State, hereinafter referred to as the “issuing Member State”, against a third country national present within the territory of another Member State, hereinafter referred to as the “enforcing Member State”.

2. Any decision taken pursuant to paragraph 1 shall be implemented according to the applicable legislation of the enforcing Member State.

3. This Directive shall not apply to family members of citizens of the Union who have exercised their right of free movement.

(…)

Article 3
1. The expulsion referred to in Article 1 shall apply to the following cases:
(a) a third country national is the subject of an expulsion decision based on a serious and present threat to public order or to national security and safety, taken in the following cases:
- conviction of a third country national by the issuing Member State for an offence punishable by a penalty involving deprivation of liberty of at least one year,
- the existence of serious grounds for believing that a third country national has committed serious criminal offences or the existence solid evidence of his intention to commit such offences within the territory of a Member State. …

(b) a third country national is the subject of an expulsion decision based on failure to comply with national rules on the entry or residence of aliens.

In the two cases referred to in (a) and (b), the expulsion decision must not have been rescinded or suspended by the issuing Member State.

(…)