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NOTE

From:	Presidency
To:	Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
Subject:	Presidency discussion paper on Visa Code Article 25a exercise

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Delegations will find in annex a discussion paper on the above-mentioned topic for the Integration, Migration and Expulsion (IMEX Expulsion) working party meeting on 16 January 2024.

Presidency discussion paper on Visa Code Article 25a exercise

On many occasions, including at the last JHA Council in December 2023, the importance of the external dimension to increase the number of effective returns has been recalled. This involves ensuring that third countries cooperate satisfactorily on the readmission of illegally staying third country nationals vis-à-vis all Member States, regardless of the caseload they have. This is precisely the purpose of the visa leverage of Article 25a of the Visa Code, which is currently the only legal tool at our disposal for all third countries to improve readmission cooperation.

Greater effectiveness should lead to a more credible tool and in turn, this should induce more effective returns of illegally staying third country nationals to countries of origin and transit by means of enhanced readmission cooperation with those countries. This objective will guide the work of the Council during this semester. In this context, the Presidency intends to hold a strategic discussion on the effectiveness of the visa leverage in the IMEX Expulsion Working Party.¹

In parallel, as announced and explained in the discussion paper issued by the Presidency of the Visa Working Party,² as of January 2024, the concrete follow-up of the annual Visa Code Article 25a exercise will be re-assigned from the Visa Working Party to the Integration, Migration and Expulsion (IMEX Expulsion) Working Party. In practice it means that, from now on, the discussions aiming to provide Member States with the state of play of the outreach towards the relevant third countries and the developments in terms of cooperation on readmission will be discussed within the IMEX Expulsion Working Party. The Presidency believes that in this manner we can increase the coherence and the effectiveness of the mechanism.

¹ 17110/23

² 5114/24

On the occasion of the re-assignment of the follow-up of the Article 25a exercise to the IMEX Expulsion Working Party, and in the middle of the annual exercise, it is the right moment to provide a clear guidance on the way forward. Lessons learned under the Swedish Presidency have shown that working on the basis of a concrete deadline to decide whether to adopt the Commission proposals for restrictive visa measures can bring results. The discussion that will be held at the forthcoming IMEX Expulsion Working Party meeting on 16 January 2024 will help to determine the appropriate follow-up to be made to the proposals currently on the table, which are listed below.

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