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WORKING DOCUMENT

From:	Presidency
To:	Trade Policy Committee (Generalised System of Preferences)
Subject:	Presidency proposal for a landing zone for the European Parliament and the Council on the issue of WTO compatibility text

2024 BE PCY comp proposal
+ **2025 suggested changes**

Recitals:

(26) The UN 2030 Agenda for Sustainable Development in Sustainable Development Goal 10, target 7 calls for facilitating orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies. **Those policies can make positive contributions to inclusive growth and sustainable development.** In this respect, it is essential for both origin and destination countries to address common challenges, such as, stepping up cooperation on readmission of own nationals and their sustainable reintegration in the country of origin, in full respect of international human rights standards.

(26a) EU return and readmission policy fully upholds the principle of non-refoulement and is carried out in compliance with fundamental international human rights principles. Voluntary return remains a crucial element of the common EU system for returns which offers the humane, effective and sustainable return of irregular migrants. **EU migration policy also supports the improvement** ~~ing~~ **of** sustainable reintegration and capacity building **in partner countries, which, in turn, can** ~~also~~ significantly strengthen the local development in the ~~partner~~ **those** countries.

(26b) ~~Sustainable reintegration can help overcome the socio- economic and psychosocial difficulties migrants face when returning to their community and make their return more sustainable.~~ **By incentivizing the beneficiary countries to cooperate on the readmission of their nationals, this Regulation promotes the beneficiary countries' reforms leading to the implementation of planned and well-managed migration policies, and thus it could contribute to positively addressing those countries' development needs, in accordance with Union's international obligations.**

(27) Return, readmission and reintegration are a common challenge for the Union and its partners. In particular, every State has the obligation under international customary law to readmit its own nationals, who are illegally staying in the territory of another country. Multilateral international conventions such as the Convention on International Civil Aviation signed in Chicago on 7 December 1944 refer also to States' obligation to admit into its territory its nationals who have been deported from another State's territory. This approach and relevant actions should be implemented in accordance with fundamental international human rights principles.

(27a) Temporary withdrawal of preferences for serious and systematic shortcomings of a beneficiary country with regard to the obligation to readmit its own nationals, should be considered only in relation to the beneficiary countries for which the Commission has considered in accordance with Article 25a of the Visa Code that such countries are not cooperating sufficiently on readmission, and for which measures in the field of visa policy have been proposed in accordance with Article 25a(5)(a) of the Visa Code and where, after a period of dedicated enhanced engagement, the Commission considers that an insufficient level of cooperation on readmission persists.

(27b) In light of their specific situation, their socio-economic situation, their development levels and capacity constraints EBA beneficiary countries should benefit from an additional transitional period of 24 months before the possibility of temporarily withdrawing preferences for serious and systematic shortcomings with regard to the obligation to readmit their own nationals applies to those countries. Additionally, withdrawing EBA preferences should be possible only where insufficient cooperation on readmission persists after the adoption of measures pursuant to Article 25a(5)(a) of the Visa Code**.**

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(27c) To assess the existence of the serious and systematic shortcomings, the Commission should rely on relevant and objective elements as laid down in Article 25a(2) of the Visa Code, including reliable data provided by the Member States, as well as by Union institutions, bodies, offices and agencies. When assessing a temporary withdrawal linked to serious and systematic shortcomings related to the obligation to readmit the beneficiary country's nationals, the Commission should take into account all measures taken to improve the cooperation of that beneficiary country on readmission.

[...]

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