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From:	Presidency
To:	Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
Subject:	Presidency discussion paper on Visa Code Article 25a – a forward look

Five years since introducing Article 25a in the revised Visa Code, the mechanism remains an important tool positively stimulating readmission cooperation with third countries. In this challenging area, few other effective leverages are used at EU level, and the link between readmission and visa policy remains an obvious one. Over the course of the years, the Commission has produced five reports on readmission cooperation and the work on the 6th report is ongoing. As proposed by the Belgian Presidency, discussions on the assessment of the level of cooperation on readmission by specific third countries, as well as discussion on the efficiency of the mechanism have been redirected to the IMEX (Expulsion) Working Party, thereby allowing for proper involvement of readmission experts. This arrangement has boosted efficiency and the Polish Presidency does not intend to change it.

There are currently two implementing decisions on the basis of the Article 25a in force. In case of The Gambia, the first restrictive visa measures were adopted by the Council on 7 October 2021. The follow-up decision on an increased visa fee was repealed on 12 April 2024 based on the assessment by the Commission of the steps taken by The Gambia to improve cooperation in the area of readmission. The other decision, adopted on 29 April 2024, concerns Ethiopia. The visa measures were introduced on 10 June 2024 and several Member States have since referred to improvements in the cooperation with Ethiopia, notably in the IMEX (Expulsion) meeting of 23 April 2025, while it has been emphasized that any progress needs to be sustained. The Heads of Mission (HoMs) in Ethiopia referred to the mechanism in their report in February, sharing recommendations on the way forward concerning the measures. The Commission, who is responsible for relevant assessment and initiative in this regard, continuously engages with Ethiopia and clearly communicates on the steps needed for substantial and sustained improvement in the cooperation. At the same time, MOCADEM will include relevant messages in its Action Plan for Ethiopia for enhanced coherence. The Council is currently following up on the Commission's fifth report of 23 July 2024 and a proposal of 23 July 2024 on visa measures, regarding, among others, Somalia, is on the table.

The evaluation of the revised Visa Code, however difficult due to the unforeseen challenges of COVID-19 outbreak and the Russian war of aggression, has shown that the processes set up under Article 25a have been recognized by stakeholders as useful, with new communication channels created, data-collection cycles and information sharing. It was also recognized that there is a margin for improvement. The yearly effort by the Member States experts and the Commission services to produce a report are a testament to the scale of the challenge and the experts in IMEX (Expulsion) have spent long time discussing ways to improve results by optimizing the use of the tool.

Seeing the positive impact of the visa leverage and the room for improvement, the Council conclusions on visa policy of 12 December 2024¹ called for further optimization of the use of the mechanism, so that it remains a powerful and credible tool, while not excluding possibility of legislative change. This is important, as the mechanism has also been identified as a tool to support operationalization of the new border return procedure, applicable to third-country nationals and stateless persons whose asylum applications have been rejected in the context of the border asylum procedure². The procedure should be completed within 12 weeks, which might be unattainable in case of lack of cooperation on readmission with the third country of origin.

¹ 16801/24.

² Articles 43 to 54 of the Regulation (EU) 2024/1348.

The Council has called numerous times for efficiently leveraging EU policies in order to incentivize cooperation on readmission. Discussions on how to make optimal use of the mechanism provided in Article 25a have over the years taken place in relevant fora, and various initiatives for improvements have been put forward, like setting a tighter timeline of the procedure or introducing individual deadlines by which the Council acts on a proposal for a decision. A major debate on elements crucial to the efficiency of the visa leverage took place last year in the IMEX (Expulsion) forum, steered by the Belgian Presidency. This, together with debate on current and new initiatives, should still take place in the IMEX (Expulsion) Working Party. However, given that five years have passed since the introduction of the mechanism, and following up on the December Council conclusions on visa policy, the Presidency would like to give space to a reflection on a potential review of the Article 25a mechanism. While not pre-empting the new visa policy strategy to be proposed by the Commission, the delegations are invited to share their ideas on the following issues:

- Based on the experience up till now, do the delegations consider that the legal framework of the visa leverage mechanism should be changed?
 - Which elements of the legislative framework of the visa leverage mechanism are crucial for a more efficient operationalization thereof? Should new elements or stages be considered in order to strengthen the mechanism and ensure its more strategic use?
 - Should the mechanism be easier to trigger or are the current safeguards essential and proportionate? Do other factors impact triggering?
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