

## **EU trade commitments (GATS, EU-Japan & Cariforum) and the Member State implementation in immigration rules: inconsistencies and regulatory gaps**

We will present our findings from a study, requested by the European Commission, on the interaction of obligations of the EU trade agreements and implementation of these obligations in the immigration laws of the EU Member States. The trade agreements adopt their model mainly from GATS (WTO). However, they differ in details and provide for mobility rights for different categories of natural persons:

- Contractual Service Suppliers (CSS)
- Independent Professionals (IP)
- Intra-Corporate Transferees (ICT), including Graduate Trainees (GT)
- Business Visitors (BV; for Establishment purposes (BVE) and for Selling purposes (BVS))
- Investors

Like GATS, EU trade agreements aim to minimize barriers to trade. The agreements include provisions on market access, Most-Favored Nation treatment, and non-discrimination. Moreover, they guarantee access to legal remedies and independent reviews. Transparency has also been highlighted in these agreements. Our findings, based on 27 questionnaires among experts in the MS show that the objective of transparency is not met: even the experts were puzzled sometimes. The trade agreements should, and sometimes do, impact national immigration laws with regard to entry requirements (the entry conditions, volumes of admission, work permit requirements, the type of visas/permits issued), staying conditions, and rights after entry.

The aim of this research is to provide the European Commission with a detailed status quo of the implementation of the EU trade agreements and instances of non-conformity within the member states. We have found inconsistencies and regulatory gaps and intent to suggest the EU Commission's way forward to enforce the trade agreements is through the development of a regulation of directive, to better assist the Member States in the implementation of their obligations under international law.

In our presentation we will map the obligations, highlight the inconsistencies and regulatory gaps and present, for discussion, our recommendations to the European Commission.