

Directive 2008/115/EC of the European Parliament and of the Council
of 16 December 2008 on common standards and procedures in
Member States for returning illegally staying third-country nationals

CHAPTER I

GENERAL PROVISIONS

Article 4

More favourable provisions

- 1 This Directive shall be without prejudice to more favourable provisions of:
 - a bilateral or multilateral agreements between the Community or the Community and its Member States and one or more third countries;
 - b bilateral or multilateral agreements between one or more Member States and one or more third countries.
- 2 This Directive shall be without prejudice to any provision which may be more favourable for the third-country national, laid down in the Community acquis relating to immigration and asylum.
- 3 This Directive shall be without prejudice to the right of the Member States to adopt or maintain provisions that are more favourable to persons to whom it applies provided that such provisions are compatible with this Directive.
- 4 With regard to third-country nationals excluded from the scope of this Directive in accordance with Article 2(2)(a), Member States shall:
 - a ensure that their treatment and level of protection are no less favourable than as set out in Article 8(4) and (5) (limitations on use of coercive measures), Article 9(2)(a) (postponement of removal), Article 14(1) (b) and (d) (emergency health care and taking into account needs of vulnerable persons), and Articles 16 and 17 (detention conditions) and
 - b respect the principle of non-refoulement.