

EN

E-000665/2025

Answer given by Mr Brunner
on behalf of the European Commission
(29.4.2025)

1. The Commission stresses that efficient border management must uphold fundamental rights, including human dignity and the principle of *non-refoulement*. In light of the tragic death of three minors at the Bulgarian border, the Commission notes that it is the responsibility of the Bulgarian authorities to investigate allegations of wrongdoings and ensure accountability. While national authorities are tasked with these investigations, the Commission is in regular contact with Bulgaria to discuss border and migration management issues, including full respect of fundamental rights¹.

2. The 2021-27 Border Management and Visa Instrument², governed by the Common Provisions Regulation³, requires Member States to meet horizontal enabling conditions (HECs), one of which relates to the mechanisms for ensuring compliance with the Charter of Fundamental Rights (the Charter). Bulgaria, as all Member States, must demonstrate HEC compliance at the programme's adoption and implementation⁴. If the Charter HEC is no longer fulfilled at the level of relevant specific objective, the Commission will not reimburse affected expenditure.

3 The 2023 Facilitation Directive proposal⁵ explicitly sets out that the elements of the offences included therein are usually not fulfilled when it comes to the provision of humanitarian assistance or the support of basic human needs. The Directive does not aim to criminalise humanitarian aid provided to third-country nationals in line with legal obligations.

¹ This engagement includes closely working with the Bulgarian authorities to reinforce the national independent mechanism to monitor fundamental rights compliance at the external borders. The issue was covered within the framework of the Pilot Project for fast asylum and return procedures (https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-bulgaria_en) and has been reinforced under the Cooperation Framework with Bulgaria on border and migration management (https://home-affairs.ec.europa.eu/document/download/07649e14-1d49-48f1-a08a-9f8d8b9d4e9e_en?filename=Cooperation%20framework%20between%20the%20European%20Commission%20and%20the%20EU%20agencies%20and%20the%20Republic%20of%20Bulgaria_en.pdf&prefLang=it).

² Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.

³ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

⁴ Bulgaria, like all Member States, had to justify that it fulfils all HECs at the adoption of the programme and during the implementation of the programme has put in place measures to ensure the respect of fundamental rights for all projects funded. The Commission has frequent exchanges with the Bulgarian Managing Authority in charge of BMVI. HECs are discussed in Monitoring Committee meetings, during technical level exchanges, and are reported on in the Annual Performance Report.

⁵ Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA, 28.11.2023, COM(2023) 755 final, Recital 7.