

EN

E-000822/2025

Answer given by Mr Brunner
on behalf of the European Commission
(16.4.2025)

1. The 2021-2027 Instrument for Financial Support for Border Management and Visa Policy, governed by the Common Provision Regulation¹, requires Member States to meet horizontal enabling conditions (HECs), including the mechanisms for ensuring compliance with the Charter of Fundamental Rights² (the Charter). Bulgaria, as all Member States, must demonstrate HEC compliance at the programme's adoption and during its implementation³. If the Charter HEC is no longer fulfilled at the level of relevant specific objective, the Commission will not reimburse affected expenditure.

2. The Commission supports Member States in ensuring safe and effective management of the EU external borders. The Commission's position remains that European integrated border management must be grounded in the respect for EU and international law, including fundamental rights as enshrined in the Charter and the principle of *non-refoulement*. The primary responsibility for investigating allegations of misuse of EU funds implemented under shared management between the Commission and Member States lies with national authorities.

3. The Commission is not directly involved in the European Border and Coast Guard Agency (Frontex) operational decisions such as expanding or decreasing deployments. These decisions are made based on requests by the host Member States and are informed by risk analysis and situational awareness. The decision to suspend, terminate, or not initiate an activity, in whole or in part, including on grounds related to fundamental rights, rests with the Frontex Executive Director after consulting the Frontex Fundamental Rights Officer⁴.

¹ Regulation (EU) 2021/1060, OJ L 231, 30.6.2021, p. 159–706.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016P%2FTXT>

³ Bulgaria, like all Member States, had to justify that it fulfils all HECs at the adoption of the programme and that during the implementation of the programme, it has put in place measures to ensure the respect of fundamental rights for all projects funded.

⁴ Articles 46(4) and 46(5) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019, p. 1.