

EN
E-001410/2025
Answer given by Mr Brunner
on behalf of the European Commission
(1.7.2025)

Directive 2008/115/EC¹ sets common standards and procedures to return illegally staying third-country nationals. The rules on the assessment of applications for international protection are laid down in Directive 2011/95/EU². When applying these directives, Member States have to respect the fundamental rights as enshrined in the Charter of Fundamental Rights³, including the principle of non-refoulement and the right to an effective legal remedy.

The Commission has no responsibility to take decisions relating to assessment of applications for international protection and on the return of illegally staying third country nationals. This responsibility lies entirely in the Member States competences and the Commission cannot intervene in the assessment of the merits of individual cases. The Commission may only decide to follow up on an individual case if the latter reveals a general practice of incorrect application of EU law in the Member State concerned or if it relates to a problem of compliance of national legislation with EU law.

The Commission closely monitors Bulgaria's implementation of the asylum and return rules, including the respect of fundamental rights. Compliance with the return *acquis* is also assessed in the context of the regular Schengen evaluation mechanism.

¹ 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, OJ L 348, 24.12.2008, p. 98-107.

² Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337, 20.12.2011, p. 9–26.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>.