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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas for the period from 2028 to 2034

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons and objectives

The Commission Political Guidelines 2024-2029 emphasise the need to ensure a complete and fully functioning Schengen area without control at internal borders through more secure external borders, prioritising security, migration management and efficiency. European Integrated Border Management lies at the centre of these efforts, ensuring consistency between interconnected policy areas, including borders, returns and surveillance, as well as between Frontex and responsible national authorities to manage the EU external borders. In terms of implementation, the Schengen governance framework, supported by the Schengen evaluations, provides political and strategic steer to the development of the Schengen area, ensuring that key initiatives, such as the interoperability of IT systems, and the relevant rules are implemented and that systematic deficits are identified and remedied. This should foster a strong sense of shared responsibility and mutual trust among the Member States and Schengen Associated Countries.

Europe's geopolitical context has significantly changed, profoundly affecting the Union's external border management. The rise of hybrid and other security threats including the weaponisation of migration give additional urgency to protect the external border. Meanwhile, irregular migration continues to be a major factor, highlighting the need to ensure effective cooperation with non-EU countries combined with comprehensive partnerships with countries of origin and transit supported through Regulation (EU) [...] [Global Europe]. Migrant smuggling is a profitable business for criminal networks with smugglers using land, sea and air routes to facilitate irregular migration both into and within the European Union. It is increasingly associated with serious human rights violations and deaths, in particular when it occurs by sea. The loss of migrants' lives at the hands of smugglers in the Mediterranean Sea stresses the acute need to tackle migrant smuggling, using all the legal, operational, and administrative levers available.

Member States need to be able to rapidly and effectively respond to developments and receive Union support for that purpose.

It is essential to ensure the development and secure operation and maintenance of large-scale IT systems pursuant to Union law in the area of border management, namely the Schengen Information System (SIS), the Visa Information System (VIS), Eurodac, the Entry/Exit System (EES) and the European Travel Information and Authorisation System (EITAS), including their interoperability, and the communication infrastructure. The instrument should also contribute to actions to enhance data quality and the provision of information.

Union support should also be available to Member States to establish the necessary expertise and operational capacity to implement the relevant elements of the Pact on Asylum and Migration, namely the Regulation (EU) 2024/1356¹ ('Screening' Regulation) which contributes to efficient border management.

¹ Regulation of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ L, 2024/1356, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1356/oj>.

Both EU citizens and non-EU citizens are subject to systematic checks when crossing the EU's external borders. With almost 600 million crossings recorded in 2023 only, and the number of crossings expected to continue to rise in the coming years, there is a clear need to have checks carried out swiftly and efficiently, with the help of IT systems while at the same time maintaining a high level of security, ensuring that each and every traveller is checked.

Member States should work in tight cooperation with the relevant EU agencies, including Frontex and eu-LISA, which should provide the necessary technical expertise and technological means for surveillance and situational awareness. In broader terms, relevant Union bodies, offices and agencies should be involved by the Commission in relevant activities aiming to ensure that the measures supported by the Union comply with the relevant Union acquis and agreed Union priorities.

A strong EU Visa Policy is also key to better secure borders and manage migration. Union support should particularly help Member States improve the efficiency of visa processing and prevent abuse of the Union's visa regime. Union support is needed as regards the digitalisation of visa processing, as well improving as the coverage of consular services across the world and the service to applicants.

The proposal aims to address the need for greater flexibility in the management of the Union support, including a stronger performance orientation, as well as enhanced simplification for all actors involved in its implementation. For this, tight complementarity is enforced with the proposal for a Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, introducing new mechanisms for the allocation of funding for shared, direct and indirect management. As challenges in the area of border management and migration are constantly evolving, there is also a need to respond to pressing needs and changes in policy and Union priorities, address the deficiencies identified through Schengen evaluations and the Frontex vulnerability assessment and to steer funding towards actions with a high level of Union added value, in particular through an EU Facility offering flexibility in the management of the Union support.

The present proposal, together with the proposal for a Regulation establishing the Union support for Asylum, Migration and Integration and the proposal for a Regulation establishing the Union Support for internal security, provide the specific legal framework for the Union action in the areas of European integrated border management at the external borders, well-functioning Schengen area and European visa policy, efficient management of migration flows and internal security. These three Regulations complement each other and contribute to the objectives of and complement the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, through which they will be implemented.

The proposed Regulation builds on the Regulation (EU) 2021/1148² while taking into account new policy developments and the need to provide an agile response to evolving challenges concerning European integrated border management, including the well-functioning of the Schengen area, and the EU visa policy.

- **Consistency with existing policy provisions**

The Union support for the European integrated border management and the European visa policy will work in strict complementarity with the other policies under the scope of the

² Regulation (EU) 2021/1148 of the European Parliament and 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.

National and Regional Partnership Plans, thus fostering synergies between these policies. Equally, synergies and complementarities must be sought in particular with the Schengen *acquis*, and the legislative package underpinning the Pact on Migration and Asylum, entered into force on 11 June 2024. However, an intensified EU policy on the European integrated border management and the EU visa policy needs action across the full spectrum of the tools at its disposal, including activities of relevant Union decentralised agencies.

The six Home Affairs decentralised Agencies (Frontex, Europol, EUAA, eu-LISA, EUDA and Cefpol) play an important and increasing role in the implementation of the Home Affairs policies. It is essential to ensure coherence between policy strategies set out at EU level and the operational activities of the decentralised agencies, thereby also maximising the contribution to the EU policy objectives from the EU funding provided to the decentralised agencies. The operational role of the decentralised agencies may require further strengthening, accompanied by corresponding increase of funding.

- **Consistency with other Union policies**

European integrated border management and visa policy rely on the synergies and coherence with relevant EU policies such as asylum and migration, internal security and the Union external policies supporting third countries, especially under Regulation (EU) [...] [Global Europe], which cover a wide range of areas with important links to internal policies, including border management and visa policies. particular, it is important to ensure an increased coherence with the Union's support for cooperation on border management with partner countries under Global Europe, in view of contributing to a coordinated, holistic and structured approach maximising synergies and applying the necessary leverage. In this context, the support to cross-border cooperation under Global Europe is particularly relevant for enhancing border management and pursuing efforts to prevent irregular migration.

To support the competitiveness agenda, investments based on innovative methods or new technologies, including measures aiming to test and validate the outcome of Union-funded research projects should also be considered.

- **Variable geometry**

This Regulation constitutes a development of the Schengen *acquis*. As a consequence, application of the Regulation to Denmark and Ireland is subject to special provisions laid down in Protocol No 19 and Protocol No 22 annexed to the TEU and the TFEU.

In accordance with Articles 1 and 2 of Protocol No 22, the Regulation is not binding or applicable in Denmark. However, pursuant to Article 4 of Protocol 22 Denmark is to decide whether to implement and be bound by measures building upon the Schengen *acquis*. If it decides to do so, the measure will create an obligation under international law between Denmark and the other Member States.

By virtue of Article 4 of Protocol No 19, Ireland may at any time request to take part in some or all of the provisions of the Schengen *acquis*. Although Ireland does take part in certain parts of the Schengen *acquis*, this Regulation does not concern parts of the Schengen *acquis* in which Ireland participates. As a measure that constitutes the development of the Schengen *acquis*, the Regulation is to be notified to four countries (Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein), which are not Member States of the Union, but which participate in the Schengen area without controls at internal borders on the basis of association agreements concluded with the Union. Once notified, the four Schengen associated countries will be required to confirm their acceptance of the content of the Regulation and to implement it into their national law. The proposed measures will, as a consequence, also apply to those four countries.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 3(2) of the Treaty on European Union provides that ‘the Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime’. The legal basis for this proposal can be found in the measures referred to in Article 77(2) and in Article 79(2)(c) and (d) of the Treaty on the Functioning of the Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The objectives of the proposal cannot be achieved by Member States acting alone, as the challenges are of a cross-border nature, and not limited to single Member States or to a subset of Member States. Union support creates added value by promoting a common approach across Member States when implementing EU acquis and standards and fostering collaboration between Member States on transnational issues.

- **Proportionality**

The proposal does not go beyond what is necessary to achieve the objectives mentioned under section 1. It falls within the scope for action in the area of freedom, security and justice, as defined in Title V of Part Three TFEU. The objectives and corresponding Union support are proportionate to what the instrument aims to achieve.

- **Choice of the instrument**

The most appropriate instrument for operating the current proposal is a Regulation of the European Parliament and the Council establishing the Union support for border management for the period from 1 January 2028 to 31 December 2034 and complementing the proposal for Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

3. RESULTS OF RETROSPECTIVE EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Retrospective evaluations/fitness checks of existing legislation**

The preliminary outcomes of the ongoing ex-post evaluation of the Internal Security Fund - Borders and Visa (ISF-BV) for the 2014-2020 programming period confirm that the ISF-BV was effective in supporting Member States in achieving their objectives in the areas of visa policy and external border management. The introduction of multi-annual programming and national eligibility rules contributed to reducing administrative burden. Where applied, simplified cost options were successful at reducing administrative burden, however, they were not widely adopted. The ISF-BV demonstrated varying degrees of cost-effectiveness and efficiency. The ISF-BV was coherent within its Fund components and other EU Funds, however, coherence with Horizon Europe and between the national programmes and Union Actions could be further reinforced. ISF-BV significantly contributed to EU added value. The ex post evaluation preliminarily concludes that simplifying reporting requirements and administrative procedures, without diminishing the quality and the necessary quantitative information for the monitoring of the implementation, can significantly enhance efficiency. This approach should minimise administrative burden and allows stakeholders to focus on delivering results rather than navigating bureaucratic processes.

The preliminary outcomes of the mid-term evaluation of the Border Management and Visa Instrument (BMVI) for the 2021-2027 programming period confirm that the monitoring and evaluation framework for BMVI has seen significant improvements compared to the 2014-2020 period. Member States and beneficiaries highlighted concerns regarding the administrative burden. Thus far, Managing Authorities have made limited use of simplified cost options and financing not linked to cost, which could reduce administrative burden. The Member State programmes and the Commission work programmes for the Thematic Facility have been coherent with other national and EU funding instruments. However, coherence could have been further reinforced between Union Actions and the Member State programmes, as well as with Horizon Europe to increase the uptake of innovative technological solutions. Finally, the BMVI has fostered cooperation, ensures compliance with EU standards, and enhanced the EU's collective border management and visa policy framework. Specific actions have been particularly appreciated by stakeholders for their flexibility and provision of ad hoc additional funding for specific priorities. The mid-term evaluation also emphasizes the importance of going further in simplifying the delivery of funding, and explaining better to Managing Authorities how the performance framework can contribute to the efficient management of the programmes, beyond the purely formal reporting that is required by the regulation.

- **Stakeholder consultations**

The Commission actively engaged with the stakeholders in the process of the initiative, notably through dedicated events and public consultation activities, as detailed in the corresponding chapter of the explanatory memorandum of the proposal for a Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **External expertise**

Information about the Commission's use of external expertise is provided in the corresponding chapter of the explanatory memorandum of the proposal for a Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Impact assessment**

Information about the Commission's Impact Assessment is provided in the corresponding chapter of the explanatory memorandum of the proposal for a Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Simplification**

The initiative is expected to contribute to a significant reduction of administrative burden and costs, as well as improved efficiency in the implementation of Union support, see also the corresponding chapter of the explanatory memorandum of the proposal for a Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- **Fundamental rights**

The Union support will be implemented in compliance with the Charter of Fundamental Rights of the European Union and the principle of the rule of law, as set out in Article 2(a) of Regulation (EU, Euratom) 2020/2092, see also the corresponding section in the Explanatory Memorandum accompanying the Commission proposal for a Regulation (EU) [...]

establishing the European Economic, Territorial, Social, Rural and Maritime Sustainable Prosperity and Security Fund.

4. BUDGETARY IMPLICATIONS

The indicative financial envelope for the implementation of the objectives under the Union support is set at EUR 15 396 750 000 billion for the period from 2028 to 2034 in current prices. It shall be implemented in compliance with the horizontal rules for the National and Regional Partnership Plans laid down in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Union support under this proposal will be implemented through shared management by the Member States and direct and indirect management by the Commission. The implementation of the Union support will be monitored through the performance framework applicable for the 2028-2034 multiannual financial framework, which is set out in the proposal for a Regulation (EU) [...] establishing a budget expenditure tracking and performance framework and other horizontal rules of the Union programmes and activities .

- **Detailed explanation of the specific provisions of the proposal**

The proposed Regulation defines in Article 1 the scope of the Union support for the EU integrated border management and the EU visa policy for the period from 1 January 2028 to 31 December 2034. For this, essential definitions are given in Article 2, and the objectives are defined in Article 3, in consistency with Union support that will be provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...].

In Article 4, the proposal lays down provisions for the financing of the Union support, in Article 5 provisions for the Schengen Associated Countries, and in Article 6 provisions for implementing the operation of the Special Transit Scheme in Lithuania.

The proposed Regulation also sets out in Article 7 the rules for the budgetary treatment of the resources for operating costs of the European Travel Information and Authorisation System pursuant to Regulation (EU) 2018/1240 and in Article 8 the rules for the budgetary treatment of the financial contributions from Member States for the purpose of the Annual Solidarity Pool established by Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024³.

Article 9 lays down transitional provisions. The date of the entry into force of the proposed Regulation is set in Article 10, which stipulates that the Regulation will be binding in its entirety and directly applicable in all Member States in accordance with the Treaties from 1 January 2028.

³ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, (OJ L, 2024/1351, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1351/oj>).

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2), point (c) and (d) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure⁵,

Whereas:

- (1) The Union's objective of constituting an area of freedom, security and justice in accordance with Article 67(1) of the Treaty on the Functioning of the European Union (TFEU) should be achieved through the provision of Union support for the development of the Union's common policy on external border control, including for the common visa policy pursuant to Article 77(2), point (a) TFEU.
- (2) To ensure the effective and efficient functioning of the Schengen area without internal borders, a strong governance framework, an effective European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council⁶, and the EU visa policy are of paramount importance to ensure the integrity and resilience of the Schengen Area.
- (3) Union support should therefore be provided for Member States' efforts to protect the external borders of the Union, curbing illegal border crossings and unauthorised movements between the Member States, as well as modernising and improving the overall efficiency of visa processing and preventing abuse of the Union's visa regime. This Union support is to be provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...].
- (4) Union support should also be provided for the effective implementation, application and development of the Schengen framework at the European and national level,

⁴ OJ C , , p. .

⁵ Position of the European Parliament of and position of the Council of .

⁶ 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. ELI: <http://data.europa.eu/eli/reg/2019/1896/oj>),

including through strengthening the national Schengen governance encompassing the effective coordination structures and strategic processes which are critical for the well-functioning of the Schengen area.

- (5) This Regulation lays down the objectives of the Union support for a well-functioning Schengen area without control at the internal borders, including for European integrated border management, including support for the functioning of the Schengen area, and for European visa policy ('the Union support'). Member States should ensure that their National and Regional Partnership Plans address each of the objectives this Regulation sets out.
- (6) In accordance with Lithuania's Act of Accession to the EU, the Regulation also addresses the need to support Lithuania for the management of the transit of persons between the region of Kaliningrad and other parts of the Russian Federation.
- (7) The amounts to be allocated per Member State should be set out by the Commission in accordance with the allocation methodology laid down in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security through a single implementing decision. That decision should as a rule also cover the amounts under the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, the Regulation (EU) [...] establishing the Union support for asylum, migration and integration and the Regulation (EU) [...] establishing the Union support for internal security.
- (8) The Union support should build on the results and investments from the previous programming periods: (i) the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council⁷; (ii) the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014 of the European Parliament and of the Council⁸; and (iii) the instrument for financial support for border management and visa policy as part of the Integrated Border Management Fund for the period 2021-2027, established by Regulation (EU) 2021/1148 of the European Parliament and of the Council⁹.
- (9) In the face of a changing global landscape and growing instability, the Union and its Member States need to combine their resources to protect the Union's external borders effectively, including to address irregular migration, smuggling of migrants, trafficking in human beings, and to respond to State actors artificially creating and facilitating irregular migration, instrumentalising migratory flows as a tool for political purposes, and using hybrid warfare tactics, such as the weaponisation of migration¹⁰,

⁷ OJ L 144, 6.6.2007, p. 22.

⁸ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, (OJ L 150, 20.5.2014, p. 143, ELI: <http://data.europa.eu/eli/reg/2014/515/oj>).

⁹ 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, (OJ L 251, 15.7.2021, p. 48, ELI: <http://data.europa.eu/eli/reg/2021/1148/oj>).

¹⁰ Communication from the Commission to the European Parliament and the Council on countering hybrid threats from the weaponisation of migration and strengthening security at the EU's external borders (COM(2024) 570 final of 11.12.2024).

to destabilise the European Union and its Member States. In the interest of solidarity in the Schengen area as a whole and in the spirit of shared responsibility for the protection of the Union's external borders, the Member State's National and Regional Partnership Plan should adequately address the challenges identified, notably in the context of the European Integrated Border Management Strategy, the European Visa Policy Strategy and in the new Schengen IT architecture relying on the large-scale information technology (IT) systems deployed for external borders and security management as well as on the interoperability of those systems. Furthermore, in support of the border control mission, the deployment of technology and digital solutions should be considered.

- (10) The Union support should contribute to ensuring consistency, coherence, synergies and complementarities between the Union's internal and external policies. An increased coherence is needed between migration, asylum, return and external policies and it is important to ensure that the Union's external assistance and Union support under this Regulation contribute to a coordinated, holistic and structured approach to migration, maximising synergies and increasing leverage. Union support under this Regulation may also include support to the relevant resources of the EU delegations in duly justified cases, and be coordinated between the Member States and the Commission in programming and implementation stages.
- (11) Europe must protect its security interest against suppliers which could represent a persistent security risk due to the potential interference from third countries as well as their cybersecurity practices. It is therefore necessary to reduce the risk of persisting dependency on high-risk suppliers in the internal market, as they could have potentially serious negative impacts on security for users, companies and authorities across the EU and the EU's critical infrastructure in terms of the integrity of data and services as well as the availability of service. This exclusion should be based on a proportionate risk assessment and associated mitigation measures as defined in the Union policies and laws.
- (12) As challenges in border management and visa policy are constantly evolving, there is a need to adapt the allocation of Union support to changes in priorities for external border management and visa policy, including changes that result from increased pressure at the border, and a need to steer funding towards the priorities with the highest Union added value. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the Union support should be implemented in direct, shared and indirect management via the EU Facility established pursuant to Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security. The EU Facility offers flexibility in the management of the Union support, and, for shared management, it should be implemented through the Member States' National and Regional Partnership Plans.
- (13) The Commission and the Member States should ensure that the knowledge and experience of Union bodies, offices and agencies are taken into account when implementing measures or addressing challenges in relation to migration management, border control and management and internal security. Where appropriate, the Commission should also be able to involve the relevant Union bodies, offices and agencies in activities aiming to ensure that the measures supported by the Union support comply with the relevant Union *acquis* and agreed Union priorities.

- (14) The Union support should support measures linked to external border control in the territory of the countries applying the Schengen acquis as part of the implementation of the European integrated border management, which strengthens the overall functioning of the Schengen area. In order to specify the nature and modes of participation in the Union support of countries associated with the implementation, application and development of the Schengen acquis, further arrangements should be concluded between the Union and those countries under the relevant provisions of the respective association agreements between those countries and the Union.
- (15) The Union support should continue contributing to the implementation, development and governance of the Schengen area to promote an area without control at internal borders. It should continue supporting measures linked to external border control in the territory of the countries applying the Schengen acquis as part of the implementation of the European integrated border management, which strengthens the overall functioning of the Schengen area.
- (16) The Union support should contribute to modernising and improving the efficiency of visa processing in terms of detecting and assessing security and irregular migration risks, ensuring effective implementation of the Visa Code. In particular, the Union support should contribute to the digitalisation of visa processing with the objective of providing fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The Union support should also serve to improve service to visa applicants, including through a better coverage of consular services across the world.
- (17) The Member States may build on the principle of partnership in the implementation of the Union support to ensure continuity in the governance approach.
- (18) Pursuant to Article 86 of Regulation (EU) 2018/1240 of the European Parliament and of the Council¹¹, the operating costs of the European Travel Information and Authorisation System (ETIAS) should be covered by the revenues generated by the travel authorisation fees. This Regulation should lay down rules in order to make available to Member States their respective share of ETIAS fees to cover their relevant operating costs, including modalities in cases when their total operating costs in a given year exceed the available ETIAS revenue.
- (19) Given that Member States subject to migratory pressure should be able to rely on Union support, this Regulation should set out the rules in order to make available to benefitting Member States the respective share of the financial contributions included in the Annual Solidarity Pool established by Regulation (EU) 2024/1351¹².
- (20) All actions supported in accordance with the Union support under this Regulation should be implemented in compliance with the rights and principles enshrined in the Union *acquis* and the Charter of Fundamental Rights of the European Union and should be in line with the international obligations of the Union and the Member States arising from the international instruments to which they are party.

¹¹ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, (OJ L 236, 19.9.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1240/oj>).

¹² Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, (OJ L, 2024/1351, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1351/oj>).

- (21) In accordance with Protocol No 5 to the 2003 Act of Accession on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation¹³, the Union shall assist Lithuania in managing the transit of persons between the region of Kaliningrad and the other parts of the Russian Federation and shall, notably, bear any additional costs incurred by implementing the specific provisions of the acquis providing for such transit. Therefore, this Regulation should lay down the rules for the financial support for Special Transit Scheme set out by Council Regulation (EC) No 693/2003¹⁴.
- (22) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹⁵ which fall within the area referred to in Article 1, points A and B of Council Decision 1999/437/EC¹⁶.
- (23) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹⁷ which fall within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC¹⁸.
- (24) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹⁹ which fall within the areas referred to in Article

¹³ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, (OJ L 236, 23.9.2003, p. 955, ELI: http://data.europa.eu/eli/treaty/acc_2003/act_1/pro_10/sign).

¹⁴ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, (OJ L 99, 17.4.2003, p. 8, ELI: <http://data.europa.eu/eli/reg/2003/693/oj>).

¹⁵ OJ L 176, 10.7.1999, p. 36.

¹⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis, (OJ L 176, 10.7.1999, p. 31, ELI: <http://data.europa.eu/eli/dec/1999/437/oj>).

¹⁷ OJ L 53, 27.2.2008, p. 52.

¹⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, (OJ L 53, 27.2.2008, p. 1, ELI: <http://data.europa.eu/eli/dec/2008/146/oj>).

¹⁹ OJ L 160, 18.6.2011, p. 21, ELI: <http://data.europa.eu/eli/prot/2011/350/oj>.

1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU²⁰.

- (25) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.
- (26) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²¹. Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the objectives and financing of the Union support for European integrated border management and for European visa policy for the period from 1 January 2028 to 31 December 2034. The Union support shall contribute to the functioning of the Schengen area, to the efficient management of external borders and to the efficiency of the visa policy, including by providing support for the implementation, strengthening and development of the relevant elements of the Pact on Migration and Asylum, and to a high level of internal security within the Union, preserving the absence of any controls on persons when crossing internal borders.

This Union support shall be provided under the horizontal rules of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security established by Regulation (EU) [...].

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

²⁰ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons, (OJ L 160, 18.6.2011, p. 19, ELI: <http://data.europa.eu/eli/dec/2011/350/oj>).

²¹ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis, (OJ L 64, 7.3.2002, p. 20, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

- (1) 'border crossing point' means border crossing point as defined in Article 2, point (8) of Regulation (EU) 2016/399²²;
- (2) 'European integrated border management' means European integrated border management as referred to in Article 3 of Regulation (EU) 2019/1896²³;
- (3) 'external borders' means external borders as defined in Article 2, point 2 of Regulation (EU) 2016/399²⁴ and internal borders at which controls have not yet been lifted;
- (4) 'external border section' means external border section as defined in Article 2, point (11) of Regulation (EU) 2019/1896²⁵;
- (5) 'internal borders at which controls have not yet been lifted' means:
 - (a) the common border between a Member State fully implementing the Schengen acquis and a Member State bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that acquis has not yet entered into force;
 - (b) the common border between two Member States bound to apply the Schengen acquis in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that acquis has not yet entered into force.
- (6) 'benefitting Member State' means a benefitting Member State as defined in Article 2, point (19) of Regulation (EU) 2024/1351;
- (7) 'contributing Member State' means a contributing Member State as defined in Article 2, point (20) of Regulation (EU) 2024/1351;
- (8) 'financial contributions' means financial contributions in accordance with Article 56(2), point (b) of Regulation (EU) 2024/1351.

Article 3

Objectives for the Union support for the Schengen area, for European integrated border management at the external borders and for the common policy on visas

1. To ensure strong and effective European integrated border management at the external borders, a well-functioning Schengen area and an efficient visa policy, the Union support shall contribute to each of the following objectives:

²² Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification), (OJ L 77, 23.3.2016, p. 1–52, ELI: <http://data.europa.eu/eli/reg/2016/399/oj>).

²³ 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. 1–131).

²⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification), (OJ L 77, 23.3.2016, p. 1–52).

²⁵ 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. 1–131).

- (a) supporting the effective implementation, application and development of the Schengen framework and strengthening the governance, integrity and security of the Schengen area without internal borders;
- (b) supporting effective European integrated border management at the external borders, implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, including through innovative methods and new technologies, to facilitate legitimate border crossings, to prevent and detect illegal immigration, cross-border crime, and instrumentalisation and weaponisation of irregular migration, to contribute to effective return;
- (c) supporting the common visa policy to ensure a harmonised approach with regard to the timely issuance of visas and to facilitate legitimate travel, while preventing migratory and security risks and contributing to the security and a well-functioning of the Schengen area.

The Union support shall be implemented in a manner fully consistent with the objectives set out in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

- 2. The Union support shall be implemented in accordance with the relevant Union acquis and the international obligations of the Union and the Member States arising from the international instruments to which they are party.
- 3. The Member States shall ensure that the priorities of their National and Regional Partnership Plans include actions to achieve each of the objectives of the Union support under this Regulation, and, that the allocation of resources between objectives is proportionate to the identified challenges and needs.

Article 4

Financing

- 1. The indicative financial envelope for the implementation of the objectives set out in Article 3 for the period from 2028 to 2034 is set at EUR 15 396 750 000 in current prices. It shall be implemented in compliance with the horizontal rules for the National and Regional Partnership Plans laid down in Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
- 2. The Commission shall adopt an implementing act to establish the amount per Member State by applying the allocation methodology set out in Section B, Annex I of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
- 3. In addition, the budgetary appropriations for the objectives set out in Article 3 of this Regulation, implemented through the EU Facility under Title IV of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, shall be

established in the framework of the annual budgetary procedure provided for in Article 314 TFEU.

4. For measures that relate to the objectives set out in Article 3 of this Regulation, where the Commission concludes that those measures comply with the requirements laid down in this Regulation and Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, and where the Commission proposes a Council implementing decision approving the National and Regional Partnership Plan of the concerned Member State in accordance with the procedure set out in Article 23 of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, it shall make a proposal for a Council implementing decision on the approval of those measures.
5. When making a proposal for a Council implementing decision on the measures that relate to the objectives set out in Article 3 of this Regulation, the Commission proposal shall lay down the elements referred to in Article 23(4) of the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, with regard to the objectives set out in Article 3.
6. The Council shall adopt the implementing decision referred to in paragraph 4, as a rule, within four weeks of the adoption of the Commission proposal and together with the implementing decisions referred to in Article 23, paragraph (1) [*Commission proposal and Council implementing decision*] of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.
7. Article 24 of the Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security on the amendment of Plans shall apply, provided that the Commission proposal and the Council Implementing Decision approving amendments of the elements listed in Article 23(4) only cover the objectives referred to in Article 3 of this Regulation.

Article 5

Schengen Associated Countries

In accordance with the relevant provisions of their respective association agreements, arrangements shall be made in order to specify the nature and modes of the participation in the Union support of countries associated with the implementation, application and development of the Schengen *acquis*. As soon as possible after the country concerned has notified its decision to accept the content of the Union support and to implement it in its internal legal order, in accordance with the relevant association agreement, the Commission shall submit a recommendation to the Council for the opening of negotiations on those arrangements under Article 218(3) TFEU. On receipt of the recommendation, the Council shall act without delay in deciding to authorise the opening of those negotiations. The financial contributions from those countries shall be added to the overall resources available from the financial envelope referred to in Article 4.

Support for the Special Transit Scheme

1. An amount of up to EUR 450 000 000 shall be allocated to Lithuania's National and Regional Partnership Plan pursuant to Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security to provide support for foregone income from processing short-stay visas and additional costs in implementing the Facilitated Transit Document (FTD) and the Facilitated Rail Transit Document (FRTD) scheme in accordance with Council Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003 amended by Regulation (EU) 2023/2667 of the European Parliament and of the Council.
2. For the purpose of paragraph 1, the support from the Union for the foregone income shall be based on the issuance of FTDs and FRTDs. The ceiling for the support shall be set at EUR 100 000 000.
3. For the purpose of paragraph 1, the support from the Union shall cover the additional estimated costs resulting directly from the specific requirements of implementing the operation of the Special Transit Scheme and which are not generated as a result of the issuing of visas under Regulation (EC) 810/2009 of the European Parliament and of the Council ⁽²⁶⁾.

The maximum contribution of the Union budget shall be 100% of the total estimated costs. The ceiling for this support shall be set at EUR 350 000 000.

The additional estimated costs shall cover in particular:

- (a) investment in infrastructures, means of transport, ICT systems and equipment necessary for the operation of the Special Transit Scheme;
 - (b) training of staff implementing the Special Transit Scheme;
 - (c) additional operational costs, including staff costs for the implementation of the Special Transit Scheme.
4. The Commission and Lithuania shall review the application of this Article in the event of unforeseen circumstances which have an impact on the existence or functioning of the Special Transit Scheme.
 5. The amounts referred to in paragraphs 2 and 3 shall be allocated to Lithuania's National and Regional Partnership Plan. Those amounts shall not be used for other measures in the Plan except in duly justified circumstances, as approved by the Commission through the amendment of that Plan pursuant to Article 24 of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

Following a reasoned request by Lithuania, the amount referred to in paragraph 3 may be reviewed and, where necessary, adjusted before the adoption of the last work programme pursuant to Article 31 of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and

²⁶ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), (OJ L 243, 15.9.2009, p. 1-58, ELI: <http://data.europa.eu/eli/reg/2009/810/oj>)

security. Any additional amounts will be allocated to Lithuania's National and Regional Partnership Plan in accordance with Article 31(7) of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

Article 7

Resources for operating costs of the European Travel Information and Authorisation System (ETIAS)

1. Each Member State shall set up an effective and reliable system ensuring that the operating costs incurred by that Member State under Article 85(2) and 85(3) of Regulation (EU) 2018/1240 are adequately identified and recorded. By 31 January of each year, and for the first time by 31 January 2029, Member States shall communicate to the Commission the total operating costs incurred for the previous year.
2. On the basis of the information communicated by the Member States in accordance with paragraph 1, the Commission shall establish the amount of revenues generated by ETIAS fees to be assigned in accordance with Article 86, second sentence of Regulation (EU) 2018/1240 for covering operating costs incurred by Member States. The Commission shall make available to each Member State their respective share of this amount.
3. Where the amount of total operating costs communicated by the Member States under paragraph 1 exceeds the available ETIAS revenue, or, where the amount of expenses incurred to customise and automate border checks in order to implement ETIAS exceeds the limits set out in 85(3) of Regulation (EU) 2018/1240, the Commission shall calculate a *pro rata* reduction of these amounts.
4. Where the amount of total operating costs in a given year exceeds the available ETIAS revenue, the Commission shall subsequently make available to the Member States the amount corresponding to the *pro rata* reduction of their total operating costs from revenues generated by ETIAS fees.

Article 8

Financial contributions for the Annual Solidarity Pool

The Commission shall calculate and make available to each benefitting Member State the respective share of the financial contributions transferred by the contributing Member States in accordance with Article 64(1) of Regulation EU 2024/1351 for the purpose of implementing the actions set out in Article 56(2)(b) of Regulation (EU) 2024/1351.

Article 9

Transitional provisions

This Regulation shall not affect the continuation or modification of the actions initiated under Regulation (EU) 2021/1148, which shall continue to apply to the actions concerned until their closure.

Article 10

Entry into force and application

This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date of application of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President