



Brussels, 16.7.2025  
COM(2025) 540 final

2025/0540 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Union support for asylum, migration and integration for the period  
from 2028 to 2034**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons and objectives**

The Commission Political Guidelines 2024-2029 emphasise that migration is a European challenge that must be met with a European solution. Europe's geopolitical context has significantly changed, profoundly affecting the Union's migration and asylum management, which has been further impacted by the weaponisation of migration. Member States need to be able to rapidly and effectively respond to developments of migratory flows and receive Union support for that purpose.

With the adoption of the Pact on Migration and Asylum (the 'Pact') the Union has made a significant progress toward a comprehensive approach to asylum, migration and border management, including its external dimension. The Pact sets up a system governed by the principle of solidarity and the fair sharing of responsibility, including its financial implications, between the Member States. The success of the new system created by the Pact relies on the readiness of all Member States – with the actions of one having implications for all. The Pact implementation has to be manageable for everyone and be managed together.

The Pact requires Member States to develop National Implementation Plans based on the Common Implementation Plan of the Commission. It is clear from those plans that significant financial resources will be needed in the years ahead. Member States need to make the necessary reforms to ensure national systems are efficient and fit-for-purpose in line with the Pact obligations and that the European system created by the Pact functions as it should.

This also implies providing adequate EU funds to support its implementation. In addition to the immediate needs that will be funded under the current Multiannual Financial Framework 2021-2027, Member States will need to continue investing and improving their systems. For example, every three years the Commission will reassess the 'adequate capacity' obligations of Member States for the implementation of the border procedure. This reassessment may require that Member States make further investments to fulfil their obligations.

Furthermore, the need to develop national integrated case management systems bringing together asylum, reception, and return has been identified by the Commission as a key priority in almost all Member States. The significant changes required in many Member States to build these integrated systems and embrace the digitalisation agenda will require significant investments in the medium-to-long term. This digitalisation, including the evolution of the artificial intelligence-based (AI) technology, is also a key component for simplifying and increasing the efficiency of the system which could eventually lead to the creation of European case-management systems.

While it should be supported mostly through the Regulation (EU) [...] [Global Europe], the external dimension and innovative solutions to migration and asylum management would continue in the years to come to play an important part in the EU response. Member States and the EU should also have certain margin to be able to support specific activities in third countries.

Finally, the Pact obligations have created significant needs in terms of personnel, including case workers, legal advisers, monitors for fundamental rights, representatives for

unaccompanied minors, vulnerability experts and so on, as well as new obligations regarding reception with significant running costs. These are key components that ensure the European system works in practice. Systemic failures in these areas in one Member State impact all Member States. It is thus fundamental that the EU supports Member States in this endeavour. Furthermore, Member States' needs will have to be reassessed regularly based on the evaluation of the migratory situation. The ultimate objective is to ensure that all Member State will continuously have a 'well-prepared system'.

The scope of the Union support should be coherent with the policy priorities and flexible, so to allow for new developments to be taken into account. Building on the results and investments in the areas of asylum and migration from the previous programming periods, this proposal provides the necessary Union support to achieve the objectives of the comprehensive approach to migration and asylum. It also offers support for legal migration and early integration of third-country nationals as well as horizontal measures supporting Member States' capacities in the field of integration.

Furthermore, Union support should be available for the new common approach and legislative framework proposed by the Commission<sup>1</sup> with swifter, simpler and more effective return procedures across the EU and innovative solutions for migration management. This new legal framework for returns constitutes a key piece to complement the Pact on Migration and Asylum.

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, strict 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 migration and asylum are constantly evolving, there is also a need 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, 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 (EU) [...] establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas and the proposal for a Regulation (EU) [...] establishing the Union Support for internal security, provide the specific legal framework for the Union action in the areas of efficient management of migration and asylum, European integrated border management at the external borders, well-functioning Schengen area and European visa policy, and internal security. The rules regulating the participation of some Member States of the European Union to the rules established in accordance with Title V of Part Three TFEU (see variable geometry section) justify the need to have three specific instruments to provide support in these areas. These three Regulations complement each other and the proposal for 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.

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<sup>1</sup> COM (2025) 101 final. Proposal for a Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC

The proposed Regulation builds on Regulation (EU) 2021/1147<sup>2</sup>, while taking into account new policy developments and the need to provide an agile response to evolving migration and asylum challenges both within the EU and in cooperation with other countries.

- **Consistency with existing policy provisions**

The Union support for asylum, migration and integration will work in complementarity with the other policies under the scope of the proposal for establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, thus fostering synergies between these policies. However, a strong and comprehensive EU policy on migration and asylum 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 Ceu-pol) 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**

Union migration policy relies on the synergies and coherence with relevant EU policies such as border management, internal security, and the social inclusion and integration of third-country nationals. In addition, consistency and complementarity will also be ensured with the Union external policies supporting third countries through Regulation (EU) [...] [Global Europe] in a wide range of areas with important links to internal policies, including migration and asylum, which should ensure an increased coherence with the Union's support for cooperation on migration with partner countries, contributing to a coordinated, holistic and structured approach to migration, maximising synergies and increasing leverage. In this context, the synergies between the support to cross-border cooperation under Global Europe and the one that can be provided under this Regulation are particularly relevant for enhancing border management and pursuing efforts to prevent irregular migration. To promote those synergies, enhanced coordination and consistency should be sought between policy priorities and EU spending towards third countries.

This proposal is also consistent with the priorities set out in the Union of Skills' external strand on attracting and retaining skills from third countries, including the future legal gateway offices, which can be supported by initiatives such as the EU Talent Pool and the Talent Partnerships. 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.

## **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

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controls, asylum, immigration and the prevention and combating of crime'. The legal basis for this proposal can be found in Article 78(2) as well as in Article 79(2) and Article 79(4) of the Treaty on the Functioning of the Union (TFEU).

- **Variable geometry**

This Regulation is based on legal bases under Title V of Part Three TFEU, concerning the area of freedom, security and justice. As a consequence, the application of the Regulation to Denmark and Ireland is subject to special provisions laid down in Protocol No 21 and Protocol No 22 annexed to the TEU and the TFEU.

In accordance with Articles 1 and 2 of Protocol No 22, Denmark does not take part in the adoption by the Council of measures proposed pursuant to Title V of Part Three TFEU, and such measures are not binding upon or applicable in Denmark.

In accordance with Articles 1 and 2 of Protocol No 21, Ireland does not take part in the adoption by the Council of measures proposed pursuant to Title V of Part Three TFEU, and such measures are not binding on or applicable in Ireland. However, Ireland may choose to take part in the adoption and application of any such proposed measure. In addition, anytime after the adoption of such a measure, Ireland may accept the measure, subject to the completion of procedures referred to in Article 4 of Protocol No 21.

- **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 asylum, migration and integration for the period from 1 January 2028 to 31 December 2034, 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 Asylum, Migration and Integration Fund (AMIF) for the 2014-2020 programming period confirm that the AMIF contributed to the objectives intended by the Fund to a variable extent. Stakeholders perceived the administrative burden as proportionate to the benefits and similar to other EU Funds, but less proportionate in comparison to national funds. The introduction of simplified cost options was viewed positively, although their use was relatively limited. The AMIF demonstrated

good coherence with the European Social Fund, which according to stakeholders could be further reinforced. The AMIF strongly contributed to the introduction of new services, the ability to reach a broader audience and the expansion of services and innovation. Overall, the ex-post evaluation underlines the need to enhance simplification in the implementation of the fund, notably by reducing reporting requirements and expanding the use of simplified cost options. The evaluation also pleads for reducing rigidities in the management of the budget, including by introducing more flexible budgeting mechanisms easing cross-fertilisation between different objectives and decreasing the number of programmes' modifications.

The preliminary outcomes of the mid-term evaluation of the AMIF for the 2021-2027 programming period confirm that the monitoring and evaluation framework for AMIF has significantly improved compared to the 2014-2020 programming period. Simplified cost options and flat-rate technical assistance have contributed to reducing administrative burden, yet the implementation of simplified cost options is still relatively limited. The AMIF demonstrates strong coherence with the programming of other EU Funds, particularly the European Social Fund Plus (ESF+), the Instrument for financial support for Border Management and Visa Policy (BMVI) and the European Regional Development Fund (ERDF). The mid-term evaluation broadly confirms the conclusions of the ex-post evaluation concerning the need for more simplification and flexibility in the management of the programmes and projects, to adapt quickly to the impact of external factors. The mid-term evaluation underlines the need to reinforce the links and coordination with the other Union Funds, especially in view of the implementation of the Pact on Migration and Asylum. This could also help national authorities to better cover relevant needs through a more coordinated programming of the Union Funds.

- **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 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.

#### **4. BUDGETARY IMPLICATIONS**

The indicative financial envelope for the implementation of the objectives under the Union support is set at EUR 11 975 428 500 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 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 Asylum, Migration and Integration for the period from 1 January 2028 to 31 December 2034. For this, essential definitions are given in Article 2, and four objectives are set out in Article 3, which will be achieved through Union support 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) [...]. These objectives refer to the areas of the Common European Asylum System; return and readmission of irregular migrants, including their reintegration in third countries and countering irregular migration; legal migration and early integration and social inclusion of third-country nationals; solidarity and fair sharing of responsibility between the Member States.

In Article 4 the proposal lays down provisions for the financing of the Union support

To foster the implementation of the Union acquis and to support efforts to ensure a comprehensive approach to the management of migration grounded on mutual trust, solidarity and fair sharing of responsibility between Member States, the proposed Regulation also sets out the rules for the budgetary treatment of the resources for resettlement and humanitarian admission (Article 5), the resources for the transfer of applicants for international protection or of beneficiaries of international protection (Article 6), and 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 2024<sup>3</sup> (Article 9).

Article 7 defines the necessary conditions to be fulfilled by third countries to be associated to the Union support provided under this proposal. Article 8 covers the funding of the European Migration Network set up by Council Decision 2008/381/EC<sup>4</sup> in accordance with its objectives and tasks. Article 10 lays down transitional provisions. The date of the entry into force of the proposed Regulation is set in Article 11, and it is stipulated 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.

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<sup>3</sup> 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.

<sup>4</sup> 2008/381/EC: Council Decision of 14 May 2008 establishing a European Migration Network.



Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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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 78(2) and Article 79(2) and (4) 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 Committee<sup>5</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>6</sup>,

Whereas:

- (1) The purpose of this Regulation is to contribute to the Union's objective of constituting an area of freedom, security and justice in accordance with the Treaty on the Functioning of the European Union (TFEU) through provision of Union support for the development of a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement in accordance with Article 77 TFEU, and a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings in accordance with Article 79 TFEU.
- (2) The entry into force of the Pact on Migration and Asylum in June 2024 has reshaped the Union's asylum and migration policy. To foster the implementation of the Pact and to support efforts to ensure a comprehensive approach to the management of migration that is grounded on solidarity and fair sharing of responsibility between Member States, Union institutions and agencies, Member States should be supported by adequate financial resources. This Union support 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) [...].

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<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> Position of the European Parliament of [...] and position of the Council of [...].

- (3) This Regulation lays down the objectives of the Union support on asylum, migration and integration policy. Member States should ensure that their National and Regional Partnership Plans address each of the objectives set out by this Regulation.
- (4) 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 the Schengen area, for European integrated border management and for the common policy on visas and the Regulation (EU) [...] establishing the Union Support for internal security.
- (5) The Union support should build on the results and investments in the areas of asylum and migration from the previous programming periods: (i) the European Refugee Fund established by Decision No 573/2007/EC of the European Parliament and of the Council<sup>7</sup> for the period 2008-2013; (ii) the European Fund for the Integration of third-country nationals established by Council Decision 2007/435/EC<sup>8</sup> for the period 2007-2013; (iii) the European Return Fund established by Decision No 575/2007/EC of the European Parliament and of the Council<sup>9</sup> for the period 2008-2013; (iv) the Asylum, Migration and Integration Fund established by Regulation (EU) No 516/2014 of the European Parliament and of the Council<sup>10</sup> for the period 2014-2020, and (v) the Asylum, Migration and Integration Fund for the period 2021-2027, established by Regulation (EU) 2021/1147 of the European Parliament and of the Council<sup>11</sup>. The scope of the Union support should also allow for new developments to be taken into account.
- (6) Europe's geopolitical context has significantly changed, profoundly affecting the Union's migration management, also due to the role of State actors in artificially creating and facilitating irregular migration, instrumentalising migratory flows as a tool for political purposes, and to the use of hybrid warfare tactics, such as the

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<sup>7</sup> Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC (OJ L 144, 6.6.2007, p. 1, ELI: <http://data.europa.eu/eli/dec/2007/573/oj>).

<sup>8</sup> Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' (OJ L 168, 28.6.2007, p. 18, ELI: <http://data.europa.eu/eli/dec/2007/435/oj>).

<sup>9</sup> Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' (OJ L 144, 6.6.2007, p. 45, ELI: <http://data.europa.eu/eli/dec/2007/575/oj>).

<sup>10</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168, ELI: <http://data.europa.eu/eli/reg/2014/516/oj>).

<sup>11</sup> Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing Asylum Migration and Integration Fund (OJ 251, 15.07.2021, p.1-47, ELI: <http://data.europa.eu/eli/reg/2021/1147/oj>).

weaponisation of migration<sup>12</sup>, to destabilise the European Union and its Member States. Member States need to be able to rapidly and effectively respond to developments of migratory flows and receive Union support for that purpose. To respond to these European challenges, the allocation of Union support should reflect the Union's priorities. Therefore, the Union support implemented under the rules governing the Member States National and Regional Partnership Plans should contribute to effectively addressing the challenges identified in the context of the long-term European Asylum and Migration Management Strategy and the annual migration management cycle established in accordance with Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024<sup>13</sup>, including the annual solidarity mechanism and the Union Resettlement and Humanitarian Admission Framework.

This Union support under this Regulation should finance measures tailored to the needs of third-country nationals that are generally implemented in the early stages of integration, as well as horizontal measures supporting Member States' capacities in the field of integration, whereas interventions for third-country nationals with a longer-term impact should be pursued under other Union supports.

- (7) As challenges in the area of migration and asylum are constantly evolving, there is a need to adapt the allocation of the Union support under this Regulation to the changes in migration flows and asylum. 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 under this Regulation 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.
- (8) The Commission and the Member States should ensure that the knowledge, expertise and experience of relevant Union bodies, offices and agencies are taken into account in the development of Member States' National and Regional Plans and 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.
- (9) The Union support should also contribute to the implementation of temporary protection in relation to Council Directive 2001/55/EC<sup>14</sup> in the event of a mass influx

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<sup>12</sup> 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).

<sup>13</sup> 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>.

<sup>14</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts

of displaced persons, including of temporary protection introduced and extended by past Council decisions, and the implementation of measures to promote a balance of efforts between the Member States hosting such persons.

- (10) The Member States should build on the principle of partnership in the implementation of the Union support to ensure continuity in the governance approach.
- (11) 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.
- (12) Europe must protect its security interests 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 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.
- (13) Resettlement and humanitarian admission are safe and legal alternatives to irregular migration and a tool of European solidarity with countries that are not Member States and which host large numbers of persons fleeing war or persecution. Resettlement and humanitarian admission efforts by the Member States undertaken in the framework of Regulation (EU) 2024/1350 of the European Parliament and of the Council<sup>15</sup> should be supported by appropriate funding from the Union's budget. In view of the specific nature of the support needed for purposes of resettlement and humanitarian admission and for the transfer of applicants for international protection or of beneficiaries of international protection, it is necessary to provide in this Regulation for pre-identified amounts per unit for such support.
- (14) This Regulation should also ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC<sup>16</sup> in accordance with its objectives and tasks.
- (15) 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

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between Member States in receiving such persons and bearing the consequences thereof, (OJ L 212, 7.8.2001, p. 12–23, ELI: <http://data.europa.eu/eli/dir/2001/55/oj>).

<sup>15</sup> Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147, (OJ L, 2024/1350, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1350/oj>, ELI: <http://data.europa.eu/eli/dec/2008/381/oj>).

<sup>16</sup> Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7, ELI: <http://data.europa.eu/eli/dec/2008/381/oj>).

benefitting Member States the respective share of the financial contributions included in the Annual Solidarity Pool established by Regulation (EU) 2024/1351<sup>17</sup>.

- (16) A third country that has concluded an agreement with the Union on the criteria and mechanisms for establishing the State responsible for examining an application for international protection registered in a Member State or registered in that third country should be allowed to participate in the Union support through this Regulation provided certain conditions are fulfilled.
- (17) 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.
- (18) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (19) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and the TFEU, Ireland has notified [, *by letter of ...*,] its wish to take part in the adoption and application of this Regulation.

OR

In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty of the European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is 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 the implementation, strengthening and development of the common policy on asylum and the common immigration policy for the period from 1 January 2028 to 31 December 2034. The Union support shall contribute to the efficient management of migration flows and asylum, including by providing support for the implementation, strengthening and development of the Pact on Migration and Asylum, and the common system of temporary protection for displaced persons in the event of a mass influx.

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) [...].

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<sup>17</sup> 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>).

## Article 2

### **Definitions**

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

- (1) ‘applicant for international protection’ means an applicant as defined in Article 2, point (4) of Regulation (EU) 2024/1351;
- (2) ‘beneficiary of international protection’ means a beneficiary of international protection as defined in Article 2, point (7) of Regulation (EU) 2024/1351;
- (3) ‘temporary protection’ means temporary protection as defined in Article 2, point (a) of Directive 2001/55/EC<sup>18</sup>;
- (4) ‘family member’ means a family member as defined in Article 2, point (8) of Regulation (EU) 2024/1351;
- (5) ‘humanitarian admission’ means humanitarian admission as defined in Article 2, point (3) of Regulation (EU) 2024/1350 ;
- (6) ‘resettlement’ means resettlement as defined in Article 2, point (1) of Regulation (EU) 2024/1350;
- (7) ‘third-country national’ means third country national as defined in Article 2, point (1) of Regulation (EU) 2024/1351;
- (8) ‘unaccompanied minor’ means an unaccompanied minor as defined in Article 2, point (11) of Regulation (EU) 2024/1351;
- (9) ‘vulnerable person’ means any person defined as a vulnerable person under the Union law relevant to the policy area of action supported under the Union support;
- (10) ‘benefitting Member State’ means a benefitting Member State as defined in Article 2, point (19) of Regulation (EU) 2024/1351;
- (11) ‘contributing Member State’ means a contributing Member State as defined in Article 2, point (20) of Regulation (EU) 2024/1351;
- (12) ‘financial contributions’ means financial contributions in accordance with Article 56, point (b) of paragraph 2 of Regulation (EU) 2024/1351.

## Article 3

### **Objectives for the Union support for asylum, migration and integration**

1. In order to ensure an efficient management of migration flows, the Union support shall contribute to each of the following objectives:
  - (a) strengthening and developing all aspects of the Common European Asylum System;

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<sup>18</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.



- (b) enhancing effective, safe and dignified return and readmission, promoting and contributing to the effective reintegration in third countries, and contributing to countering irregular migration by preventing and combating migrant smuggling and trafficking in human beings as well as instrumentalisation and weaponisation of irregular migration;
  - (c) strengthening and developing legal migration to the Member States in accordance with their needs, and promoting and contributing to the effective integration and social inclusion of third-country nationals during the early phases of settlement;
  - (d) ensuring solidarity and fair sharing of responsibility between the Member States, including through practical cooperation innovative methods and new technologies, and contributing to a comprehensive approach for the internal and external components of migration and asylum management.
2. The Union support shall be implemented in accordance with the relevant Union acquis and in full respect of 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 11 975 428 500 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(1) 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*

##### ***Resources for resettlement and humanitarian admission***

1. Member States shall receive, in addition to their allocation under Article 4(1) and (2) of this Regulation, an amount of EUR 10 000 for each person admitted through resettlement under the Union Resettlement and Humanitarian Admission Framework established by Regulation (EU) 2024/1350.
2. Member States shall receive, in addition to their allocation under Article 4(1) and (2) under this Regulation, an amount of EUR 6 000 for each person admitted through humanitarian admission under the Union Resettlement and Humanitarian Admission Framework established by Regulation (EU) 2024/1350 or admitted under a national resettlement scheme.
3. The amount referred to in paragraph 2 shall be increased to an amount of EUR 8 000 for each person admitted through humanitarian admission or admitted under a national resettlement scheme who belongs to one or more of the following vulnerable groups:
  - (a) women and children at risk;
  - (b) unaccompanied minors;
  - (c) persons having medical needs that can be addressed only through humanitarian admission;
  - (d) persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.



4. Where a Member State admits a person belonging to more than one of the categories referred to in paragraphs 2 and 3, it shall receive the amount only once in respect of that person.
5. Where appropriate, Member States may also be eligible to receive the respective amounts for family members of persons referred to in paragraphs 1, 2 and 3 if those family members are admitted to ensure family unity.
6. The amounts referred to in paragraphs 1, 2, 3 and 5 shall be allocated from the EU Facility to the Member State's National and Regional Partnership Plan 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 security. Those amounts may be included in the payment applications to the Commission in accordance with Article 65 of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security, provided that the person in respect of whom the amount is allocated was effectively resettled or admitted.
7. For audit and control purposes, Member States shall retain the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission.
8. To take account of current inflation rates, relevant developments in the field of resettlement and humanitarian admission, and other factors which might optimise the use of the financial incentive brought by the amounts referred to in paragraphs 1, 2 and 3 of this Article, the Commission is empowered to adopt delegated acts to adjust those amounts, if deemed appropriate, and within the limits of available resources.

#### *Article 6*

##### ***Resources for the transfer of applicants for international protection or of beneficiaries of international protection***

1. A Member State shall receive, in addition to its allocations under Article 4(1) and (2) of this Regulation, an additional amount of:
  - (a) EUR 10 000 per applicant for international protection for whom that Member State becomes responsible as a result of relocation in accordance with Articles 67 and 68 of Regulation (EU) 2024/1351;
  - (b) EUR 10 000 per beneficiary of international protection relocated to that Member State in accordance with Articles 67 and 68 of Regulation (EU) 2024/1351.
2. The amounts referred to in points (a) and (b) of the first subparagraph shall be increased to an amount of EUR 12 000 for each applicant for international protection or beneficiary of international protection, respectively, who is an unaccompanied minor relocated to that Member State in accordance with Articles 67 and 68 of Regulation (EU) 2024/1351.
3. The Member State covering the cost of transfers referred to in paragraph 1 shall receive an amount of EUR 500 for each applicant for international protection or beneficiary of international protection transferred to another Member State.

4. The Member State covering the costs of transfers referred to in point (a), (b) or (c) of Article 36(1) of Regulation (EU) 2024/1351, and carried out in accordance with Article 46 of that Regulation, shall receive an amount of EUR 500 for each applicant for international protection transferred to another Member State.
5. The amounts referred to in paragraphs 1 to 3 of this Article shall be allocated from the EU Facility to the Member State's National and Regional Partnership Plan 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 security, provided that the person in respect of whom the amount is allocated was effectively transferred to that Member State or was registered as an applicant in the Member State responsible in accordance with Regulation (EU) 2024/1351, as applicable.
6. For audit and control purposes, Member States shall retain the information necessary to allow the proper identification of the persons transferred and of the date of their transfer.
7. To take account of current inflation rates, relevant developments in the field of relocation and other factors which might optimise the use of the financial incentive brought by the amounts referred to in paragraphs 1, 2 and 3 of this Article, the Commission is empowered to adopt delegated acts to adjust those amounts, if deemed appropriate, and within the limits of available resources.

## *Article 7*

### ***Third countries associated to the Union support***

1. The Union support under this Regulation shall be open to third countries that fulfil the criteria listed in paragraph 2, in accordance with the conditions laid down in a specific agreement covering the participation of the third country in the Union support.
2. In order for a third country to be eligible to be associated to the Union support as referred to in paragraph 1, it shall have concluded with the Union an agreement on the criteria and mechanisms for establishing the State responsible for examining an application for international protection registered in a Member State or registered in that third country.
3. The specific agreement referred to in paragraph 1 shall at a minimum:
  - (a) enable cooperation with the Member States and the Union institutions, bodies, offices and agencies in the area of asylum, migration and return in the spirit of the principle of solidarity and fair sharing of responsibility;
  - (b) be underpinned, throughout the duration of the Union support, by the principles of non-refoulement, democracy, the rule of law and respect for human rights;
  - (c) ensure a fair balance as regards the contributions made by, and the benefits received by, the third country participating in the Union support;
  - (d) lay down the conditions of participation in the Union support, including the calculation of financial contributions to the Union support, and its administrative costs;

- (e) not confer on the third country any decision-making power in respect of the Union support;
- (f) guarantee the rights of the Union to ensure sound financial management and to protect its financial interests;
- (g) provide that the third country grants the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office (OLAF) and the European Court of Auditors in accordance with Article 28(2), point (d) of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

The contributions referred to in point (d) of the first subparagraph shall constitute assigned revenues in accordance with Article 21(5) of the Regulation (EU, Euratom 2024/2509).

## *Article 8*

### ***European Migration Network***

Union support shall be provided for the European Migration Network activities and future development.

The amount to be made available, subject to the availability of funding, for the European Migration Network under the annual appropriations of the EU Facility and the work programme laying down the priorities for its activities shall be adopted by the Commission after approval by the Steering Board in accordance with point (a) of Article 4(5) of Council Decision 2008/381/EC. The decision of the Commission shall constitute a financing decision in accordance with Article 31(1) of Regulation (EU) [...] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security.

Financial assistance provided for the activities of the European Migration Network shall take the form of grants to the National Contact Points referred to in Article 3 of Decision 2008/381/EC or procurements, as appropriate, in accordance with the Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council.

## *Article 9*

### ***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 10*

### ***Transitional provisions***

This Regulation shall not affect the continuation or modification of the actions initiated under Regulation (EU) 2021/1147, which shall continue to apply to the actions concerned until their closure.

*Article 11*

***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*