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From:	General Secretariat of the Council
To:	Delegations
Subject:	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 – Partial mandate for negotiations with the European Parliament

Delegations will find in the Annex the text of the partial mandate for negotiations with the European Parliament on the above-mentioned proposal as agreed by the Permanent Representatives Committee at its meeting on 15 July 2026. Changes to the Commission proposal (doc. 11988/25) are indicated in ***bold italic*** (new text) and ~~strikethrough~~ (deletions).

ANNEX

2025/0541 (COD)

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

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 Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[2],

Whereas:

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1 OJ C , , p. .

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

(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***, and for the removal of persons residing without authorisation pursuant to Article 79(2), point (c) TFEU***.

(1a) Pursuant to Article 80 TFEU, the Union policies on border checks, asylum and immigration and their implementation are to be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

(2) To ensure the effective and efficient functioning of the Schengen area without internal ~~borders~~ ***border controls***, a strong governance framework, an effective European integrated border management, as implemented by ***Member States with the support of*** the European Border and Coast Guard ***Agency***, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council[3], 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, ***including the screening within their territory in accordance with article 7 of Regulation (EU) 2024/1356 of the European Parliament and of the Council[4]***as well as modernising and improving the overall efficiency of visa processing and preventing abuse of the Union's visa regime.

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[3] 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),

[4] ***Regulation (EU) 2024/1356 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***

(3a) **[**~~This~~ ***The*** Union support is to be provided under the ~~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) […].]***Taking into consideration the legal particularities of Title V TFEU and in particular the variable geometry that applies to the relevant legal bases it is necessary that the financial rules that shape the main features of the Union support regarding the common policy on external border control and the common visa policy are laid down in the present Regulation . That is in particular the case for rules defining the policy objectives of the Union support, rules setting out the available resources and their allocation , rules on governance, rules on co-financing and pre-financing, and other rules that shape the policy priorities of the Union support, such as rules providing flexibility and additional funding, dedicated amounts to technical assistance, and rules providing for the mobilisation of resources in case of crisis situation. These rules complement the rules set out in Regulation (EU) [NRPP] so to accommodate the legal particularities of Title V TFEU while confirming the innovative approach of bringing together the different types of Union support under a single Fund. In particular, the allocation methodology set out in this Regulation forms an important part and complements the allocation methodology set out in Annex I of Regulation (EU) [NRPP], so that they should be considered as forming one whole and allowing to define a single envelope per Member State under the single Fund approach set out in Regulation (EU) [NRPP].***

(4) Union support should also be provided for the effective implementation, application and development of the Schengen framework at the European and national level, 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 the efficient management of external borders and return***, and for ~~European~~ ***common*** visa policy ('the Union support'). Member States should ensure that their National and Regional Partnership Plans ~~address~~ ***contribute to*** ~~each of~~ the ***relevant*** objectives ***of the Union support under*** this Regulation ~~sets out~~***, taking into account the specific needs and challenges of the Member State concerned***.

(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 Council[5]; (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 Council[6]; 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 Council[7].

(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, ***including the implementation of new and innovative solutions for migration management in line with Union and international law*** and ~~top~~ ***to*** respond to State ***and non-State*** actors artificially creating and facilitating irregular migration, ***and*** instrumentalising migratory flows as a tool for political purposes, ~~and using hybrid warfare tactics, such as the weaponisation of migration~~[8], 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 ***multiannual strategic policy for*** European integrated border management***, the Member State's national*** strategy~~, the~~ ***for*** European ***Integrated Border Management, the common*** 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

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5 OJ L 144, 6.6.2007, p. 22.

6 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).

7 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).

8 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).

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***, such as liaison officers,*** in duly justified cases, and be coordinated between the Member States and the Commission in ***the*** programming and implementation stages.

(10a) With a view to improving the management of the external borders, to facilitating legitimate travel, to contributing to preventing and combating irregular border crossings, to implementing the common visa policy and to contributing to a high level of security within the area of freedom, security and justice of the Union, the Union support should contribute to the development, operation and maintenance of large-scale IT systems in accordance with Union law in the area of border management, and the setting-up of the interoperability infrastructure in order for those Union information systems and their data to complement each other.

(10b) In order to foster synergies and complementarities between this Regulation and Regulations (EU) [AMI] and (EU) [IS], it should be possible for Member States to use the Union support provided for under this Regulation to fund actions of a multi-purpose character where those actions contribute to achieving the objectives of Regulation (EU) [AMI], Regulation (EU) [IS] or Regulation (EU) [NRPP], provided that policy coherence is ensured through coordinated programming, and that the outputs of those actions are primarily used and, where relevant, deployable for the purpose of achieving the objectives of this Regulation.

(10c) When designing measures contributing to the objectives of this Regulation, Member States may include, as part of the estimated total costs of such measures, operating support to public authorities responsible for carrying out the tasks and providing the services which constitute a public service for the Union.

(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~~ ***contribute to funding*** 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.

(14a) 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. ***Such arrangements should constitute international agreements within the meaning of Article 218 TFEU. With a view to minimising any possible gap between the moment when the Union support becomes binding on the country concerned and the entry into force of the arrangements, it is appropriate to start the negotiations on such arrangements as soon as possible after the respective country has notified to the Council and the Commission its decision to accept the contents of the Union support and to implement it in its internal legal order. The conclusion of such arrangements should take place after the country concerned has informed in writing of the fulfilment of all its internal requirements.***

(15) The Union support should continue contributing to the implementation, development and governance of the Schengen area to promote an area without control***s*** 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 ***Regulation (EC) No 810/2009 of the European Parliament and of the Council*** [9] ~~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.

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[9] ***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).***

(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, ***pursuant to Article 6 of the Regulation (EU) […] establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security***. ***However, Member States could derogate from the requirements on partnership and multi-level governance for the purposes of the Union support under this Regulation if duly reasoned and substantiated by the Member State in its Plan.***

(18) Pursuant to Article 86 of Regulation (EU) 2018/1240 of the European Parliament and of the Council[10], 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**].**

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10 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).

(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) 2024/1351[11]. ***These financial contributions, including the amounts not fully allocated, should be used for the purpose of implementing actions that relate to the objectives set out in this Regulation and in the [AMI] Regulation.***

(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.

(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 Federation[12], 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 693/2003[13].

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11 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).

12 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).

13 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).

(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 latters' association with the implementation, application and development of the Schengen acquis[14] which fall within the area referred to in Article 1, points A and B of Council Decision 1999/437/EC[15].

(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 acquis[16] 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/EC[17].

(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 acquis[18] which fall within the areas referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[19].

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14 OJ L 176, 10.7.1999, p. 36.

15 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).

16 OJ L 53, 27.2.2008, p. 52.

17 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).

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

19 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,

(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/EC[20]. Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

(26a) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

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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).

[20] 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).

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~~ ***a common*** visa policy **[**for the period from 1 January 2028 to 31 December 2034**]**. The Union support shall contribute to the ***well***-functioning of the Schengen area, to the efficient management of external borders ***and return*** 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~~ ***while safeguarding the free movement of*** persons ~~when crossing internal borders~~ ***within it.***

[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:

(1) ‘border crossing point’ means border crossing point as defined in Article 2, point (8) of Regulation (EU) 2016/399[21];

(2) ‘European integrated border management’ means European integrated border management as referred to in Article 3 of Regulation (EU) 2019/1896[22];

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21 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).

22 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).

(3) ‘external borders’ means external borders as defined in Article 2, point 2 of Regulation (EU) 2016/399[23] 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) 2019/1896[24];

(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.

(8a) ‘instrumentalisation’ means instrumentalisation in accordance with Article 1(4), point (b) of Regulation (EU) 2024/1359.

(8b) ‘return’ means return as defined in Article 4, point 4a of [Return Regulation].

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23 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).

24 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).

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:

   (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~~ ***border controls***;

   (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~~ ***practices and*** technologies ***that may also result from EU funded research and innovation***, 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 ***and visa digitalisation***, 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~~ ***contribute to*** ~~each of~~ the objectives of the Union support under ***Article 3(1) of*** this Regulation ***which are relevant for the Member State concerned***, ~~and, that the allocation of resources between objectives is proportionate to the identified~~ ***taking into account its specific needs and*** challenges ~~and needs.~~

Article 3a

Union support for activities in and in relation to third countries

Union support may be provided for actions in and in relation to third countries, provided that those actions contribute to the objectives set out in Article 3 of this Regulation, complementing the actions in third countries supported by Regulation (EU) [Global Europe Fund]. Such activities shall serve the interests of internal Union policies and be consistent with activities undertaken within the Union.

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 ***Annex I*** ~~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 ***and Article 34*** 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 4a

Financial framework

1. *The budgetary commitments of the Union of the financial allocation shall be made in annual instalments in accordance with Article 14(1) [budgetary commitments] [NRPP]. A flexibility amount shall be made available in accordance with Article 14(2) [budgetary commitments] [NRPP].*
2. *Additional Union support under this Regulation shall be provided through the EU Facility under the rules laid down in Title IV and Annex XV of Regulation [NRPP], as applicable.*
3. *Technical assistance at the initiative of the Commission may be allocated in accordance with Article 10(2)(d) [budget] and Article 12 [technical assistance] [NRPP].*
4. *The pre-financing for the Union support under this Regulation shall be provided in accordance with Article 17 [pre-financing] [NRPP].*
5. *For measures related to the special transit scheme referred to in Article 6, ETIAS operational costs, as well as financial contributions from the Annual Solidarity Pool, no national contribution shall be required. For other measures in the area covered by this Regulation, the baseline for Union co-financing will not be higher than [X]%.*
6. *The mid-term review as set out in Article 25 [mid-term review] [NRPP] shall apply to the Union support under this Regulation.*
7. *By way of derogation from Article 6 [partnership principle] [NRPP], Member States may derogate from the requirements on partnership and multi-level governance for the purposes of the Union support under this Regulation if duly reasoned and substantiated by the Member State in its Plan.*
8. *Member States may at the time of submission of their initial Plan, or with any request for amendment, request to reallocate part of the amount set out in Article 4 to implement the objectives set out in Regulation [AMI] and in Regulation [IS]. The Commission shall only object to a request for reallocation where such reallocation would affect the amended Plan's compliance with the requirements of Article 22 set out in the NRPP Regulation.*
9. *The Member States may request amendments in accordance with Article 34 [amendment in case of crises] [NRPP] to provide support to measures that relate to the objectives set out in Article 3 of this Regulation in response to a crisis as defined in Article 4(19) [NRPP].*

10. Paragraphs 1 and 2 of Article 69 [NRPP] shall not apply to investments under the objectives set out in Article 3 of this Regulation, which are not investments in infrastructure unless they are subject to an obligation of maintenance of investment under State aid rules or where such obligation of maintenance is set out in the Plan.

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 ***and shall not be subject to reallocation under Article 4a(8)***. ***The Union support provided through the EU facility under the rules laid down in title IV and Annex XV of Regulation [NRPP] shall not apply to these countries.***

Article 6

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 ([25]).

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.

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[25] 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).

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 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~~ ***have in place*** 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.]

4a. The financial decision referred to in paragraph 1 of Article 31 [Union actions] of [NRPP] Regulation shall take into account the share of the amounts that the Commission is to make available to the Member States in accordance with this Article, which shall constitute internal assigned revenue in accordance with Article 21(3) of Regulation (EU, Euratom) 2024/2509. The amounts shall be made available in accordance with paragraph 7 of Article 31[Union actions] of [NRPP] for the purposes of implementing actions that relate to the objectives set out in Article 3 of this Regulation.

4b. In accordance with Article 196(2), second subparagraph, point (a), of Regulation (EU, Euratom) 2024/2509, Member States' operating costs of the European Travel Information System (ETIAS) under Article 85 paragraphs (2) and (3) of Regulation 2018/1240, to be covered by the revenues generated by the ETIAS fees as set out in this article, may be considered eligible as of [date to be determined], even if those costs are incurred before the grant application was submitted.

Article 8

Financial contributions for the Annual Solidarity Pool

1. 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.

1a. The financial decision referred to in paragraph 1 of Article 31 of [NRPP] Regulation shall take into account the share of the amounts that the Commission is to make available to the Member States in accordance with this Article, which shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2024/2509. The amounts shall be made available in accordance with the procedure under paragraph 7 of Article 31[Union actions] of [NRPP] for the purposes of implementing actions that relate to the objectives set out in Regulation XX [AMI] and in Article 3 of this Regulation.

1b. Where the amount referred to in Article 64(1) of Regulation (EU) 2024/1351 is not fully allocated, the remaining amount may be added to the amount indicated by the financing decision referred to in paragraph 1 of Article 31 [Union actions] of [NRPP]. This amount 8608/26 shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2024/2509.

Article 9

Transitional provisions

1. 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.

2. ***The financial envelope for the Union support on this Regulation may also cover technical and administrative assistance expenses necessary to ensure the transition between BMVI and the measures adopted under this Regulation.***

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	*For the Council*
The President	*The President*

[Annex I – Methodology for the calculation of the Union financial contribution for each Member State]