

EUDAIMONIA comparative table of institutional design obligations

<p><b>Asylum law (Directive 2013/32)</b></p>	<p><b>Obligations flowing from EU primary law and/or secondary legislation</b></p>
<p>Legal form ?</p>	<p>‘Determining authority’ may be a quasi-judicial or administrative body (Art. 2(f)).</p> <p>Authority must be provided with ‘appropriate means, including sufficient competent personnel’, to carry out its tasks (Art. 4(1)).</p>
<p>Composition ?</p>	<p>Personnel must be ‘sufficiently competent’, ‘properly trained’, and have ‘appropriate knowledge’ (Art. 4(1)-(3)-(4), see also recital 16).</p> <p>Proper training defined by reference to Art. 6(4)(a)-(e) Reg. 439/2010 and relevant guidelines developed by EASO (Art. 4(3), see also Recital 26).</p> <p>Due respect for the applicable deontological principles (Recital 17).</p>
<p>Process ?</p>	<p>Decision must be taken ‘individually, objectively and impartially’; on the basis of ‘precise and up-to-date information’; by qualified personnel; possibility to seek advice from experts on particular issues (cultural, medical, etc.) (Ar. 10(3)(a)-(b)-(c)-(d)). Decision must be in writing; it must state the reasons in fact and law for rejection of application; as well as information about how to challenge negative decision (Art. 11(1)-(2)).</p> <p>Compliance with CFEU (Recital 60), individual procedural rights (Arts. 12 et seq.), confidentiality principle as defined by national law (Art. 48, see also ref. in Art. 15(2) in the conduct of personal interview).</p> <p>Appointment of a national contact point + MS to take ‘all appropriate measures’ to establish direct cooperation and exchange of</p>

	information between competent authorities (Art. 49).
Modus operandi (judicial review) ?	Right to an effective remedy (Arts. 26(2), 46) – See also Recital 60, reference to Article 47 of the CFEU.