

EUDAIMONIA comparative table of institutional design obligations

<p>Border control (Reg. 2016/399, with references to Reg. 2019/1986 if relevant)</p>	<p>Obligations flowing from EU primary law and/or secondary legislation</p>
<p>Legal form ?</p>	<p>National service or services responsible for border control designated by MS ‘in accordance with their national law’ (Art. 2(14), see also recital 18).</p> <p>Establishment of national coordination centres to facilitate exchange of information and cooperation within MS (between all authorities responsible for external border control), as well as between MS and with Frontex (Art. 21 Reg. 2019/1896).</p> <p>Appointment of national contact point for communication with Frontex (Art. 13 Reg. 2019/1896).</p>
<p>Composition ?</p>	<p>MS must deploy ‘appropriate number of staff and resources’ to ensure that external borders do not constitute a major barrier to trade and social and cultural interchange (recital 17).</p> <p>MS must deploy ‘appropriate staff and resources in sufficient numbers’ to conduct border controls at external borders (Art. 15).</p> <p>Border guards are ‘specialised and properly trained’ professionals; specialised training must take into account ‘core curricula’ developed by Frontex; MS to encourage learning languages necessary to carry out their tasks (Art. 16(1), see also Art. 62 Reg. 2019/1896); MS must also provide training on the rules for border control and on fundamental rights, by reference to common training standards established by Frontex (Art. 17(4)).</p> <p>Surveillance between border crossing points to be carried out by border guards whose numbers and methods are adapted to</p>

	<p>existing or foreseen risks and threats (Art. 13(3)).</p>
<p>Process ?</p>	<p>Compliance with fundamental rights set out in the Charter, relevant international law, including the Geneva Convention, MS' obligations on international protection and non-refoulement (Art. 4, see also recital 36).</p> <p>Decisions taken on an individual basis (Art. 4); border guards should use all information available, including data which may be consulted in the VIS (Art. 8(2), see also recital 11); use may be compulsory in cases of repeated visa applications (recital 13).</p> <p>Penalties in case of irregular crossing of border must be 'effective, proportionate and dissuasive' (Art. 5(3)).</p> <p>Border guards must demonstrate respect for human dignity, in particular in cases involving vulnerable persons; decisions must be proportionate to objectives pursued (Art. 7(1)); border checks must respect principle of non-discrimination (Art. 7(2)).</p> <p>Decision on refusal of entry must be 'substantiated', and specify the 'precise reasons' justifying refusal; it shall be given by means of standard form (Art. 14(2)); must include information on representatives competent to act on behalf of TCNs (Art. 14(3)).</p> <p>Close and constant cooperation between MS' services responsible for border control, both within and between MS (Art. 16(3)-17(1), see also recital 18).</p> <p>Operational cooperation and assistance between MS managed and coordinated by Frontex (Art. 17(2), see also recital 19).</p>

	Notification of border crossing points to the Commission (Art. 5, 39).
Modus operandi (accountability, judicial review) ?	Right to appeal against refusal of entry to be conducted 'in accordance with national law'; appeal has no suspensive effect (Art. 14(3)).