

## TOWARDS MORE SECURE EU BORDERS EUROPEAN BORDER AND COAST GUARD

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**Abstract:** According to the current migration crisis, implementation of European integrated border management system at national and EU levels becomes contemporary priority of the European Union. It is aimed at effective management of processes directly related to organization of EU external borders crossing and facing challenges of large scale migration and countering potential threats at these borders. The same, its idea is to contribute to improvement of effectiveness in preventing and combating the phenomena of a cross-border crime and to ensure a high level of internal security in the European Union. To ensure effectiveness of implementation of these objectives, a new formation has been established at the present time – the European Border and Coast Guard. In this article authors analyse system of integrated management of external borders of the European Union and characterize its purpose, organization, structure and powers of this new EU agency - European Border and Coast Guard.

**Keywords:** Cross-border security, refugee crisis, the Schengen area, border protection, border management, immigration policy.

### 1 INTRODUCTION

In the last several years border management policy of the European Union has developed significantly: there has been created such instruments and agencies as Schengen information system, visa information system or borders agency Frontex. After short period of consolidation, came a period of new actions in response to challenges associated with the influx of immigrants and greater security concerns. It has a stronger focus on more direct operational support and the 'Europeanisation' of border management policy.

Current migration crisis poses serious problems of humanitarian, social, socio-cultural, economic, political nature, and trans-border security (and the internal security of the European Union) that never before have been witnessed by the EU. Not only the existence of the Schengen area is threatened but if this trend continues, it may seriously erode European integration. If the European Union wants to survive and be able to develop, it must recover full ability to decide who, where, when and in what purpose crosses borders and decide what requirements must be put on persons who would like to ask for permission to settle somewhere in the territory of the Community.

Therefore, the priority is to restore real, based on hard realities immigration policy, which for Europe is associated with urgent recovery of security of her own external borders. Homogenous area that was deliberately left without controls at internal borders - specified as the Schengen area – currently requires redefining common policy of external borders management. The European Union therefore works at identifying common standards of control at external borders and gradual implementation of an integrated system for management of these borders. An important issue is the establishment of the European Border and Coast Guard.

### 2 EVOLUTION OF SECURITY CONCEPT OF EXTERNAL BORDERS OF THE EUROPEAN UNION

The first step towards common European external border management was made on 14 June 1985, when five of ten of the European Economic Community Member States have signed the Schengen Agreement<sup>1</sup>, which five years later has been supplemented by the Convention implementing the Schengen Agreement.<sup>2</sup> The foundation of cooperation was to be mutual trust between States allowing the efficient use of instruments such as implementation of the law on border control and border management standards.

In the initiative of creation of joint border services a number of advantages were pointed out. In particular, among these advantages, we have to mention the increase of security of the European Union territory, and the increase in awareness of nation states' citizens creating the body of the Union, as to their belonging to one cultural and socio-political area<sup>3</sup>. In addition, costs related to the

<sup>1</sup> Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed in Schengen 14 June 1985. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed in Schengen 19 June 1990.

<sup>2</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed in Schengen 19 June 1990.

<sup>3</sup> Comp. PIWOWARSKI, J.: *Transdyscyplinarna istota kultury bezpieczeństwa narodowego*. Słupsk : Wydawnictwo Naukowe Akademii Pomorskiej w Słupsku, 2016.

management of borders would be distributed among all Member States<sup>4</sup>.

The foundation of the system has become the principle that better control management of external borders of the Union will help to fight against terrorism, illegal immigration organisations, human trafficking. The same, it will positively impact on the level of security of Member States and their citizens. In the prepared plan of actions it was stated that at the legislative level common solutions should be adopted, and at the operational level – realisation of joint operations of national services responsible for control and protection of external borders.

Plan of the Member States' of the European Union external borders management was agreed by the Council in 2002. This plan in its assumptions confirmed the need for establishment of a common experts unit in the field of borders competence, as a mean to establish integrated management system of external borders of the EU.

In 2004 were adopted conclusions on the structure, functional requirements, and biometric identifiers that should be included in the future European visa system. A year later, the European Council set targets in the field of area of security and justice development for the next five years, representing a new stage on the road for creation European policy of external borders of the Union management.

System of integrated external borders management of the European Union is based on specific terms of proceedings:

- firstly, the spine of management of external borders is the Schengen borders code, which includes provisions for border crossing points at external borders and conditions for temporary reintroduction of controls at internal borders<sup>5</sup>,
- secondly, as not all the Member States have external borders, that have to be controlled, and are not affected in the same way by cross-border movement, the European Union uses its funds to offset some of the costs incurred by the Member States with external borders. In 2007-2013 the financial burden-sharing mechanism was carried out by the External Borders Fund<sup>6</sup>; in 2014-2020

it has been replaced by the Internal Security Fund: borders and visas<sup>7</sup>,

- the third category includes measures related to the creation of centralized databases for migration and borders management: the Schengen Information System (SIS)<sup>8</sup>, the Visa Information System (VIS)<sup>9</sup> and fingerprinting system Programme 'Solidarity and Management of Migration Flows'. Eurodac<sup>10</sup>, allowing the identification of asylum seekers and illegal immigrants,

<sup>7</sup> Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

<sup>8</sup> According to art. 93 of the Convention implementing the Schengen Agreement, the purpose of the Schengen Information System shall be in accordance with this Convention to maintain public policy and public security, including national security, in the territories of the Contracting Parties and to apply the provisions of this Convention relating to the movement of persons in those territories, using information communicated via this system. This is the first in Europe police system of information flow that allows automatic transmission of data. When you enter specific information about the person (for example, queried, or observed by the Police) or a particular event to the national system, it is immediately available in the computer terminals of other countries. We have to mention the Schengen Information System of second generation (SIS II), more functional, modernized version of the system. Legal basis of SIS II gives two acts based on Title VI EU Treaty, which is Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) and Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II). Source: Wawrzusiszyn, A. *Wybrane problemy transgranicznego bezpieczeństwa Polski*. Warszawa : Wydawnictwo Naukowe DIFIN, 2012. p. 107-116.

<sup>9</sup> The Visa Information System (VIS) allows to improve cooperation between the Member States of the European Union i.a. in the field of common visa policy within the framework of the European Union and preventing visa trade. In the VIS are collected data of the applicant and information of visa application, as well as the same visa (if it was released, cancelled, revoked or renewed, or denied its prolongation). The system includes biometric data, photographs and fingerprints of a person making application for visa. Thanks to the system, border services officers during passport controls have the ability to verify the identity of people crossing borders of the Schengen area. Source: Wawrzusiszyn, A. *Wybrane problemy transgranicznego bezpieczeństwa Polski*, op. cit., p. 107-116.

<sup>10</sup> Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

<sup>4</sup> More: BURSKI, L.: *Frontex jako kluczowy element współpracy w ochronie granic zewnętrznych Unii Europejskiej*. Studia i Komentarze Instytutu Europy Środkowo-Wschodniej, nr 17, 1/2011, Lublin 2011.

<sup>5</sup> Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

<sup>6</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'.

- fourthly, there is a set of measures (the so-called package of means relating to intermediaries)<sup>11</sup>, whose purpose is to prevent unauthorized entry, transit and stay and punishment for those acts,
- fifthly, implementation of simplified rules for local border traffic<sup>12</sup>,
- the last category are the means concerning operational cooperation on border management, which focus around the European Agency for the Management of Operational Cooperation at the External Borders (Frontex)<sup>13</sup>.

In many ways, the influx of immigrants led to the Europeanisation of border management. The Treaty of Lisbon<sup>14</sup> provided joint border management policy. The Program of Stockholm<sup>15</sup> included a call for assessing the possibilities of creation of an European system of border guards; this appeal was only repeated five years later in the conclusions of the European Council<sup>16</sup> of June 2014. Once again,

a stimulant for action of the European Commission<sup>17</sup> has become the migration crisis and constant criticism from Member States that the European Union does not control her external borders.

In September 2015 the European Council called for the tightening of controls at these borders, as well as to increase resources for Frontex, EASO<sup>18</sup> and Europol<sup>19</sup>. The idea was to strengthen the mandate of Frontex, in particular by allowing the direct purchase of equipment, a significant increase in its human and financial resources and to increase its role in *return operations*<sup>20</sup>.

The aim of current policy of the Union in the field of external borders management is the development and implementation of the European integrated border management at national and EU levels, which is an inevitable consequence of free movement of people within the Union and an essential element of area of freedom, security and justice.

European integrated border management system is today essential to improve the management of the migratory phenomena, having unknown level of dynamics. Integrated border management system is based on a four-level access control model, includes measures in third countries, for example in the framework of the common visa policy, measures in neighbouring third countries, measures of border control at external borders, risk analysis and

<sup>11</sup> See Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (2002/946/WSiSW).

<sup>12</sup> Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 december 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

<sup>13</sup> Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Dz. U. L 349, 25.11.2004); Council Decision of 26 April 2005 designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (2005/358/EC) (Dz. U. L 114, 4.5.2005).

<sup>14</sup> Treaty of Lisbon – official name of this act is Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007. The Treaty is also unofficially named as reforming treaty, it is an international treaty i.a. reforming institutions of the European Union.

<sup>15</sup> The Program of Stockholm – set out of priorities of the European Union, which have been adopted in the area of justice, freedom and security for the period 2010-2014.

<sup>16</sup> The European Council consists of heads of States or heads of Government of the Member States within the European Union. Most nation states are currently represented by Prime Ministers, with the exception of Cyprus, France, Lithuania and Romania, which are represented by Presidents, and its President (elected by the European Council on 2,5-years tenure) and President of the European Commission. In its work it takes also part the High Representative of the Union for Foreign Affairs and Security Policy. However, it should not be mistaken with the Council of Europe. The Treaty of Lisbon has confirmed status of the European Council as an institution of the European Union.

<sup>17</sup> The European Commission is the executive body of the European Union and represents interests of the Union as a whole (and not the interests of particular countries). It is the executive body of the European Union, which is responsible for providing current European Union policies and oversees work of all its agencies and manages its funds. The European Commission has an exclusive legislative initiative in the field of EU law and is entitled to issue implementing regulations (Commission Regulation). Its headquarters is the capital of Belgium, Brussels. The Commissioners are similar to Ministers in of Governments of particular countries. For each Member State of the European Union there is one Commissioner, however, each of them should represent interests of the whole European Union.

<sup>18</sup> The European Asylum Support Office (EASO) is a European Union (EU) agency. Its function is to: boost the cooperation of Member States on asylum matters, support the Member States whose asylum and reception systems are under particular pressure, improve the implementation of the Common European Asylum System (CEAS).

<sup>19</sup> The European Police Office (Europol) is the EU's law enforcement agency, whose remit is to help make Europe safer by assisting law enforcement authorities in EU member countries.

<sup>20</sup> *Return operation* means an operation that is coordinated by the European Border and Coast Guard Agency and involves technical and operational reinforcement being provided by one or more Member States under which returnees from one or more Member States are returned either on a forced or voluntary basis.

measures within the Schengen area and the returns. The full implementation of the above assumptions will ensure consistency with other policy objectives.<sup>15</sup> December 2015, the European Commission adopted measures in force for integrated management of the external borders of the European Union and the protection of the Schengen area without internal borders, to help to manage migration more effectively, improve internal security of the European Union and ensure compliance with the principle of free movement of persons. The Commission has proposed, *inter alia*, to create the European Border and Coast Guard.

### 3 EUROPEAN BORDER AND COAST GUARD

6 October 2016, at Captain Andreevo Bulgarian-Turkish border crossing, the start of operation of the Agency European Border and Coast Guard<sup>21</sup> (European Border and Coast Guard-EBCG) was inaugurated, which replaced the European Agency for the Management of Operational Cooperation at the External Borders (Frontex). The new agency retained the shortcode Frontex, however, its mandate has been greatly extended.

The European Border and Coast Guard was created by the European Agency of Border and Coast Guard and the national authorities of the Member States responsible for border management, including coastal guards in the field of carried out border control tasks.

Main purpose of the European Border and Coast Guard is to ensure the effective functioning of an integrated system for management of external borders of the European Union. It will take care of effective management of migration flows and a high level of security in the Union, in full respect of fundamental rights.

Although that still on the Member States lies the primary responsibility for management of their external borders, in own and of all Member States interest, new formation will support the use of EU measures relating to the management of external borders by strengthening, evaluation and coordination of activities of the Member States in implementation of these measures and the returns.

A particular challenge will become the activities related to migration and prevention of potential threats at external borders and thus to contribute to the fight against serious cross-border crime. The European Border and Coast Guard was equipped with the necessary financial resources, human resources and hardware.

### 4 ORGANIZATION AND STRUCTURE OF THE EUROPEAN BORDER AND COAST GUARD

The Agency is a body of the European Union and has legal personality. May acquire or dispose movable and immovable property and be a party of legal proceedings<sup>22</sup>. It is independent in performance of its mandate and operating. It is represented by the Executive Director, and its administrative seat is the Polish capital, Warsaw.

Administrative and management structure of the Agency shall comprise:

- the Management Board,
- the Executive Director,
- the Consultative Forum,
- the Official for Basic Rights.

The Management Board is responsible for taking strategic decisions by the Agency, as well as, *inter alia*, appoints the Executive Director and his Deputy, shall adopt decisions on establishment of the common integrated risk analysis model, the nature and conditions of sending liaison officers to the Member States, adopts technical and operational strategy, adopts annual report on activities of the Agency, determines organisational structure of the Agency and personnel policy, approves working arrangements with third countries. The Management Board shall each year send the European Parliament and the Council any information relevant to the outcome of evaluation procedures to be carried out by the Agency.

The Management Board is composed of one representative of each Member State and two representatives of the Commission. Therefore, each Member State shall designate a member of the Management Board and an alternate who will represent the Member in his absence. The Commission shall appoint two members and their alternates. The term of the Management Board members takes four years and can be extended. The Management Board shall hold at least two ordinary meetings a year; in addition, it shall meet on initiative of the President, at request of the Commission or at request of at least one-third of its members.

The Executive Director shall be a legal representative of the Agency, manages it and is completely independent in the performance of their duties. He speaks at the European Parliament at the latter's request and regularly reports to it. Primarily he is responsible for the preparation and implementation of the strategic decisions taken by the Management Board, as well as for decision-making related to its operational activities. The Executive Director is responsible for its activities to the Management Board.

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<sup>21</sup> More: Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

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<sup>22</sup> *Ibidem*.

The Agency shall establish the Consultative Forum in support of the Executive Director and the Management Board with independent advice on matters relating to fundamental rights. Therefore, to participate in the consultation forum shall be invited representatives of the European Union Agency for Fundamental Rights, EASO, United Nations High Commissioner for Refugees<sup>23</sup> and other organizations. Methods and work programmes are prepared with their support. The Board also appoints the Official for Basic Rights, whose task is to participate in the work on the strategy of the Agency on fundamental rights, as well as to monitor and promote the observance of those rights by the Agency. The Official is independent in performance of his duties. He shall report directly to the Executive Board and cooperates with the Consultation Forum.

The Agency has its own financial resources. Budget consists of: the European Union grants, fees for services rendered, voluntary contributions of the Member States. However, any expenditure incurred administrative costs, infrastructure, operational and staff.

## 5 COMPETENCE OF THE EUROPEAN BORDER AND COAST GUARD

The Agency pursues its competence without interfering the responsibility of the Member States with regard to maintenance of public order and protection of internal security<sup>24</sup>. Through its actions contribute to combat cross-border crime, such as smuggling of migrants, trafficking in persons and terrorism, as well as to detect them, if there are appropriate circumstances to take such action. Cooperates and coordinates its activities with Europol and Eurojust<sup>25</sup> – agencies responsible for promoting and enhancing the effectiveness of activities of the Member States in preventing and combating serious crime affecting at least two Member States.

For implementation of assigned competence the Agency has the intervention reserve of border guards and equipment. The group counted 1,5 thousand experts, which, if necessary, will be deployed in three days. It is important that the Agency can acquire the equipment and use of technical equipment provided by the Member States. It is also assumed that the human resources by 2020 will reach the level of 1000 people employed on a permanent basis, including officers working in the field.

An extremely important role of the Agency is monitoring and supervision. Monitoring and risk analysis centre will oversee migration flows into and within the European Union and will carry out risk analysis and mandatory assessments of vulnerability in order to identify and eliminate weak points. Risk analysis will be drawn up on the basis of information of the Member States on the situation, trends and potential threats at external borders and on the returns. They shall include, inter alia, statistics and operational information collected in relation to the implementation of the Schengen acquis and the information obtained from the analytical layer national security system. Results of the common integrated risk analysis model will be included in the development of common training programmes of border guards and personnel performing tasks in the field of returns.

Through their liaison officers, the Agency provides regular monitoring of the management of external borders. Their role is to promote cooperation and dialogue between the Agency and national authorities responsible for border management and the returns, including coastguards in the field carried out border control tasks. Report of the liaison officer is a part of the exposure assessment: assessing the ability and readiness of Member States to face the upcoming challenges at external borders, determination of possible effects and the resulting impact on functioning of the Schengen area, as well as their ability to participate in a rapid reaction reserve.

The Agency evaluates operational capacity, technical equipment and resources available to the Member States to combat the challenges at external borders, and, in the case of shortcomings, obliges the Member States to improve the situation within a specified period.

A very important competence, from the activities of the Agency, is the right to intervene. In the face of specific and extremely difficult challenges, in the event of a mass influx to points at external borders of third-country citizens trying to enter illegally the territory of a Member State, Member States may apply for joint operations and quick interventions at the borders. The objectives of these activities are achieved usually by the so-called multifunctional operations (combating migrant smuggling or trafficking, migration management, including

<sup>23</sup> United Nations High Commissioner for Refugees is UN body authorized to lead and coordinate international action to protect refugees and resolve their problems around the world. The main task of the Office is to ensure rights of refugees and asylum assistance or repatriation.

<sup>24</sup> More: Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

<sup>25</sup> The European Union's Judicial Cooperation Unit – the European Union agency of prosecutor character, aimed at supporting and strengthening coordination and cooperation between national investigating and prosecuting authorities in relation to fighting trans-border organized crime in the EU. Coordination concerns the investigative proceedings and settlement proposals in respect of legal aid.

identification, registration, chatting, returns, etc.). To carry out these operations detailed plans are prepared, specifying organizational and procedural aspects of joint action. However, in the situation of migratory pressures in the area of external borders hotspot<sup>26</sup>, with a large influx of mixed migratory movements, a Member State may ask for technical and operational strengthening by the European border and coast guard units<sup>27</sup>. The scope of the above actions could include:

- assistance in checking the third-country citizens arriving on external borders, fingerprinting and provide information on the purpose of these procedures,
- provision of information to people who intend to apply for international protection, targeting those persons to competent authorities of the Member State or to EASO,
- technical and operational assistance in the field of the return – preparation and organization of return operations.

Teams supporting migration management include, if necessary, experts in the field of protection of children, fight against human trafficking, protection from gender-related persecution or in the field of fundamental rights.

Noteworthy is the fact that, in the case where a Member State fails to take the measures proposed by the Agency or, when migratory pressure poses a threat to the functioning of border services in accordance with the Schengen rules, the European Commission may submit to the Council a plan of action. The Council shall decide then whether sending a rapid response team is necessary. This plan of action should be agreed by the Member State and the Agency before it comes to the deployment of border guards. If a Member State opposes the decision of the Council, the other Member States of the European Union will be able to start a temporary border controls with that State.

The Agency plays a special role in the field of returns, and most of all:

- coordinates technical and operational-level returns-related activities of Member States,

- provides technical and operational assistance to Member States which face particular challenges to their returns systems,
- coordinates the use of appropriate information systems and provides support to the Member States in the field of consular cooperation for establishing the identity of third-country citizens and obtaining travel documents,
- organizes and coordinates the returns operations and provides support for voluntary departures in cooperation with the Member States,
- organizes, supports and coordinates activities for exchange of information and identification and collection of best practices in the field of returns between the Member States,
- finances or co-finances actions, interventions and actions in accordance with the financial regulations.

In created the European Office for Returns, in the framework of the Agency, shall function European intervention teams for returns consisting of experts in the field of removal, monitoring and returns. They will be responsible for the effective return of illegally staying third-country citizens. EU standard travel document for return purpose will ensure wider acceptance of returnees by third countries.

A new competence of the Agency is supervising the coastal guards. The national coast guard became part of the European Border and Coast Guard as it performs tasks of border control. The mandates of the a Community Fisheries Control Agency<sup>28</sup> and the European Maritime Safety Agency<sup>29</sup> have been adapted to the tasks of the new European Border and Coast Guard. These three agencies can now take joint actions in the field of supervision, for example, jointly using drones in the Mediterranean. Specific forms of cooperation in the field of coast guard functions are specified in the working agreement in accordance with the mandates assigned to them and the financial rules applicable to these agencies.

The Agency facilitates and supports the technical and operational cooperation between Member States and third countries in the framework of external relations policy of the European Union. It also works in the framework of working agreements specifying the scope, nature and purpose of the cooperation, even operational.

Significant attention is paid to Agency training activities and scientific research. It provides training and seminars for officers of competent national

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<sup>26</sup> The hotspot area means an area on which the host Member State, the Commission, competent agencies of the Union and Member States cooperate in order to manage an existing or potential extremely difficult challenge of migration, which is characterized by a significant increase in the number of migrants arriving at external borders.

<sup>27</sup> European Border and Coast Guard teams means teams of border guards and other members of staff of the participating Member States sent as national experts to the European Agency for Border and Coast Guard, deployed during the joint operations and rapid border intervention teams and supporting management of migration.

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<sup>28</sup> Regulation (EU) 2016/1626 of the European Parliament and of the Council of 14 September 2016 amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency.

<sup>29</sup> Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency.

authorities in the field of the Union law and international law and fundamental rights, and for members of the European Border and Coast Guard teams advanced training appropriate to type of performed activities and granted permission. It is also entitled to organising, in cooperation with the Member States and third countries, training activities in their territories. In addition, the Agency is actively monitoring research and innovation relevant to the European integrated border management, including the use of advanced surveillance technology, and participates in it.

For effective operation, the Agency shall take all necessary measures in order to facilitate the exchange of information relevant for its tasks with the Commission and the Member States and, where appropriate, with competent agencies of the Union. Developed information system enables the exchange of classified information with those entities, and the exchange of personal data.

In order to carry out their powers, the Agency shall cooperate with the Commission, other bodies, offices and agencies, the European External Action Service, EASO, Europol, the European Union Agency for Fundamental Rights, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency. It focuses on migration and prevention and detection of cross-border crime, such as smuggling of migrants, trafficking persons and terrorism; it can work also with international organisations and third countries. Such cooperation takes place within the framework of working arrangements concluded with relevant authorities.

## 6 CONCLUSION

Security and border management are now becoming key issues in European discussions, because effects of neglect in this area Europe can feel very painfully. The crisis triggered by a *de facto* uncontrolled influx of refugees made Brussels began to consider changes in the approach to external borders. Effective border management must be based on shared responsibility, because the crisis has shown clear shortcomings and gaps in existing mechanisms of EU standards.

The European Border and Coast Guard should ensure a true joint border management in accordance with the principle that all the countries of the European Union should share responsibility for security of external borders. This decision is one of the most important points of the strategy for resolving the refugee crisis, which threatens to overwhelm the Schengen system. Establishing the formation analysed in this article is not a panacea for today's problem of mass exodus. The new entity is not an antidote that can resolve the crisis, or immediately restore correct functioning of the great achievement of Europe, which is the Schengen area.

However, this is the first decisive step, without which all the rest of legislative proposals to resolve the refugee crisis and save the Schengen, would remain only an expensive, but ineffective effort.

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- [6] Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (2002/946/WSiSW).
- [7] Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Dz. U. L 349, 25.11.2004).
- [8] Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.
- [9] 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'.
- [10] Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.
- [11] Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II).
- [12] Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).
- [13] Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency.
- [14] Regulation (EU) 2016/1626 of the European Parliament and of the Council of 14 September 2016 amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency.
- [15] Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.
- [16] Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.
- [17] Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

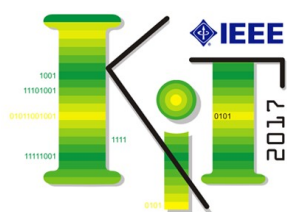
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## Communication and Information technologies

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