

# THE CONTRIBUTION OF THE STANDING CORPS INSTITUTION IN THE IMPLEMENTATION OF THE EU LAW AND OF THE FUNDAMENTAL RIGHTS<sup>1</sup>

## A CONTRIBUIÇÃO DA INSTITUIÇÃO DO CORPO PERMANENTE NA IMPLEMENTAÇÃO DO DIREITO DA UNIÃO EUROPEIA E DOS DIREITOS FUNDAMENTAIS

Article received on: 10/16/2025

Article accepted on: 1/16/2026

**Tryfon Korontzis\***

\*Universidade de Thessaly, Department of Business Administration, Larissa, Greece

Orcid: <https://orcid.org/0009-0001-2494-0617>

[tmkoront@otenet.gr](mailto:tmkoront@otenet.gr)

**Lambros Sdrolias\***

\*Universidade de Thessaly, Department of Business Administration, Larissa, Greece

Orcid: <https://orcid.org/0009-0008-3250-981X>

[lsdrolias@uth.gr](mailto:lsdrolias@uth.gr)

The authors declare that there is no conflict of interest

### Abstract

The creation of the Standing Corps under the European Border and Coast Guard Agency (Frontex) marks a significant development in the European Union's efforts to strengthen the management of its external borders. As the first uniformed and permanent corps under EU authority, this institution reflects the Union's growing capacity to act collectively in the fields of migration, security, and law enforcement. This paper investigates the contribution of the Standing Corps to the practical implementation of EU law and the safeguarding of fundamental rights. It explores how the Corps operates at the intersection between national and supranational governance, enforcing EU border and migration policies while being bound by the Charter of Fundamental Rights and international legal standards. Through an examination of legal frameworks, institutional reports, and recent operational data, the study assesses the Corps' role in ensuring compliance with principles such as proportionality, non-discrimination, and non-refoulement. Furthermore, the paper discusses the mechanisms of accountability and oversight that accompany the deployment of Standing Corps officers, focusing on training, monitoring, and complaint-handling systems. These mechanisms aim to balance the operational needs of effective border control with the ethical and

### Resumo

A criação do Corpo Permanente no âmbito da Agência Europeia da Guarda de Fronteiras e Costeira (Frontex) representa um desenvolvimento significativo nos esforços da União Europeia para reforçar a gestão das suas fronteiras externas. Como o primeiro corpo uniformizado e permanente sob autoridade da UE, esta instituição reflete a crescente capacidade da União de agir de forma coletiva nos domínios da migração, da segurança e da aplicação da lei. Este artigo investiga a contribuição do Corpo Permanente para a implementação prática do direito da UE e para a salvaguarda dos direitos fundamentais. Analisa a forma como o Corpo atua na interseção entre a governação nacional e supranacional, aplicando as políticas europeias de fronteiras e migração, ao mesmo tempo em que está vinculado à Carta dos Direitos Fundamentais e às normas jurídicas internacionais. Por meio da análise de quadros jurídicos, relatórios institucionais e dados operacionais recentes, o estudo avalia o papel do Corpo na garantia do cumprimento de princípios como a proporcionalidade, a não discriminação e o princípio do não repulção (non-refoulement). Além disso, o artigo discute os mecanismos de responsabilização e supervisão que acompanham o destacamento

<sup>1</sup> This paper presented at the 14th Eurasian Multidisciplinary Forum (EMF 2025), on 20–21 November, 2025, organized by the **European Scientific Institute, ESI, and Grigol Robakidze University, Tbilisi, Georgia.**



legal imperatives of human rights protection. The analysis concludes that the Standing Corps represents both an operational innovation and a normative test for the European Union. Its success depends not only on efficiency and coordination but also on maintaining transparency, democratic legitimacy, and a firm commitment to fundamental rights as cornerstones of EU action (Korontzis, 2022, c).

**Keywords:** Frontex. Standing Corps. EU Law. Fundamental Rights. Border Management. Accountability. The Area of Freedom. Security and Justice (AFSJ).

*dos agentes do Corpo Permanente, com enfoque nos sistemas de formação, monitorização e tratamento de queixas. Esses mecanismos procuram equilibrar as necessidades operacionais de um controlo eficaz das fronteiras com os imperativos éticos e jurídicos da proteção dos direitos humanos. A análise conclui que o Corpo Permanente representa simultaneamente uma inovação operacional e um teste normativo para a União Europeia. O seu sucesso depende não apenas da eficiência e da coordenação, mas também da manutenção da transparência, da legitimidade democrática e de um firme compromisso com os direitos fundamentais como pilares da ação da UE (Korontzis, 2022, c).*

**Palavras-chave:** Frontex. Corpo Permanente. Direito da UE. Direitos Fundamentais. Gestão de Fronteiras. Responsabilização. Espaço de Liberdade. Segurança e Justiça (ELSJ).

## 1 INTRODUCTION

The creation of the Standing Corps marks a critical phase in the European Union's ongoing effort to consolidate its external border governance (Korontzis, 2022, a), (Coppens, 2012), (Korontzis, 2012, a). In the aftermath of the 2015 migration crisis, the EU recognized the need for a permanent and professionalized border force capable of rapid deployment and harmonized implementation of EU law (Korontzis, 2022, c). The Standing Corps, operational since 2021, is thus both a practical and symbolic manifestation of European integration in the field of internal security. It represents the transition from ad hoc national cooperation toward a supranational, rules-based system that balances security objectives with the Union's fundamental values. The Corps operates at the intersection of law enforcement, humanitarian action, and administrative governance, raising complex questions about sovereignty, legal accountability, and ethical conduct. This paper investigates how the Standing Corps of Frontex has transformed EU border management and assesses the extent to which it has contributed to the protection of fundamental rights (Satoko, 2017).

## 2 THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE AFSJ

The Area of Freedom, Security and Justice (AFSJ) constitute one of the most sophisticated and multidimensional policy domains within the European Union (EU) constitutional order. It reflects the Union's ambition to ensure that the abolition of internal borders is accompanied by effective mechanisms safeguarding security, justice, and fundamental rights. The AFSJ thus embodies the EU's dual objective: to guarantee the free movement of persons while maintaining a high level of protection for individuals and society.

The legal basis of the AFSJ is laid down in Title V of the Treaty on the Functioning of the European Union (TFEU), encompassing Articles 67–89. Article 67(1) TFEU explicitly establishes that the Union shall constitute an area of freedom, security and justice “with respect for fundamental rights and the different legal systems and traditions of the Member States.” The AFSJ therefore combines normative commitments to both integration and rights protection. It grants the Union competence to legislate on border checks, asylum, immigration, judicial cooperation in civil and criminal matters, and police cooperation. These competences are exercised within the general principles of subsidiarity and proportionality, ensuring that Union action complements rather than replaces national competences.

The institutional framework governing the AFSJ has evolved significantly since the entry into force of the Treaty of Lisbon in 2009. The Lisbon reforms abolished the former “pillar structure” and incorporated AFSJ policies fully within the Union's ordinary legislative and judicial procedures. Consequently, the European Parliament and the Council now act as co-legislators under the ordinary legislative procedure, while the Commission maintains its traditional role as initiator and guardian of the Treaties (Art 17 TEU). The Court of Justice of the European Union (CJEU) exercises full jurisdiction over the AFSJ, ensuring uniform interpretation and compliance with the Charter of Fundamental Rights of the European Union (CFREU), which acquired binding legal force under Article 6(1) TEU.

At the political level, the European Council defines the strategic guidelines for legislative and operational planning. This has been achieved through multiannual programmes—Tampere (1999), The Hague (2004), Stockholm (2009) and the Strategic

Agenda 2019–2024—which set out priorities for migration management, judicial cooperation and the protection of fundamental rights. The institutional balance within the AFSJ is thus anchored in a complex interplay between supranational and intergovernmental actors, reflecting both the communitarian nature of EU law and the continuing importance of national sovereignty.

Operational implementation of the AFSJ relies heavily on specialized EU agencies. Among these, the European Union Agency for Asylum (EUAA), Europol, Eurojust, and the European Border and Coast Guard Agency (Frontex) are central (Korontzis, 2024, c). The establishment of the *Standing Corps* under the 2019 Frontex Regulation (Regulation (EU) 2019/1896) marked a qualitative leap in EU border management, introducing the first uniformed service under direct EU authority. This development represents a shift from coordination to shared implementation of EU law, illustrating the progressive operationalization of the AFSJ’s legal framework. However, the Standing Corps also raises questions concerning accountability and the protection of fundamental rights, particularly given the direct exercise of executive powers at the EU’s external borders.

The normative framework of the AFSJ is deeply rooted in the Charter of Fundamental Rights, which binds both EU institutions and Member States when implementing Union law (Art 51 CFREU). The CJEU has consistently underscored the necessity of ensuring compatibility between security measures and fundamental rights. In *Digital Rights Ireland* (Joined Cases C-293/12 and C-594/12), for instance, the Court invalidated the Data Retention Directive for violating the rights to privacy and data protection under Articles 7 and 8 CFREU. Similarly, in *N.S. v Secretary of State for the Home Department* (Case C-411/10), the Court held that Member States may not transfer asylum seekers under the Dublin system where there is a risk of fundamental rights breaches. These rulings underscore the centrality of rights protection within the AFSJ’s legal order.

At the same time, Article 72 TFEU preserves Member States’ responsibility for maintaining public order and internal security, illustrating the limits of supranational competence. This constitutional safeguard ensures that the Union’s role complements rather than supplants national prerogatives. Nevertheless, the operational realities of the AFSJ reveal continuing challenges in coordination, burden-sharing, and compliance with

human rights standards, particularly in the context of migration management and border control. Oversight bodies such as the Fundamental Rights Agency (FRA), the European Ombudsman, and the European Data Protection Supervisor (EDPS) contribute to addressing these challenges through monitoring, reporting, and promoting institutional accountability.

In conclusion, the AFSJ's legal and institutional framework embodies a distinctive model of multi-level governance. It integrates Union legislation, national implementation, and agency-level operations within a single constitutional space underpinned by the rule of law and fundamental rights. This framework not only provides the legal foundation for instruments such as the Standing Corps but also defines the normative boundaries within which EU executive action must operate. The continuing evolution of the AFSJ will depend on maintaining this balance between effective governance and respect for the fundamental values on which the Union is founded (Korontzis, 2024, c), (Korontzis, 2012, d), (Korontzis, 2013), (Korontzis, 2022, c).

### **3 EUROPOL, EUROJUST AND THE EPPO: SYNERGIES IN JUDICIAL AND POLICE COOPERATION**

Within the institutional landscape of the Area of Freedom, Security and Justice (AFSJ), the European Union has progressively developed a complex network of agencies designed to facilitate cooperation in criminal justice and policing. Among these, Europol, Eurojust, Frontex (now European Border and Coast Guard Agency- EBCGA) (Korontzis, 2012, c) and the European Public Prosecutor's Office (EPPO) (Korontzis, 2024, b), (Korontzis, 2022) form a triad that exemplifies the Union's shift from coordination to integration in law enforcement and judicial action. Their collaboration enhances the EU's capacity to combat transnational crime, ensure consistent enforcement of EU law, and safeguard fundamental rights within an increasingly interconnected legal space.

Europol, established in 1995 and reformed by Regulation (EU) 2016/794, serves as the EU's central agency for police cooperation. It facilitates the exchange of criminal intelligence, supports cross-border investigations, and provides analytical and operational assistance to national law enforcement authorities. Although Europol does not possess coercive powers, its role as an intelligence hub is indispensable. It coordinates joint

investigation teams (JITs) and hosts specialized units such as the European Cybercrime Centre (EC3) and the European Counter Terrorism Centre (ECTC). Through its databases, analytical tools, and liaison network, Europol promotes a common security culture and ensures that information sharing respects the principles of necessity and proportionality, in line with the Charter of Fundamental Rights and the supervision of the European Data Protection Supervisor (EDPS).

Eurojust, created by Council Decision 2002/187/JHA and reconstituted by Regulation (EU) 2018/1727, complements Europol by reinforcing judicial cooperation. Its mandate is to facilitate coordination among national prosecutors, judges, and investigative authorities in cross-border criminal cases. Eurojust assists in resolving conflicts of jurisdiction, supports the execution of mutual legal assistance requests, and fosters the efficient functioning of European Arrest Warrants. By hosting coordination centres and strategic meetings, Eurojust provides the institutional platform through which national judicial authorities can align their actions while preserving the principles of legality, independence, and procedural fairness.

The establishment of the European Public Prosecutor's Office (EPPO) under Regulation (EU) 2017/1939 represents a major constitutional innovation in the EU's judicial architecture. The EPPO is the first supranational body with direct investigative and prosecutorial powers, competent to combat crimes affecting the Union's financial interests, particularly fraud, corruption, and cross-border VAT evasion. Operating through a two-tier structure—comprising the central office in Luxembourg and delegated prosecutors embedded within Member States—the EPPO embodies the principle of shared sovereignty. Its hybrid model allows for uniform enforcement of EU financial criminal law while respecting national procedural traditions.

Synergies among Europol, Eurojust, and the EPPO are crucial to the effective functioning of the AFSJ. Europol's analytical intelligence provides the evidentiary groundwork for criminal investigations, Eurojust ensures legal coordination and admissibility, and the EPPO exercises prosecutorial authority where Union interests are directly affected. Article 100 of Regulation (EU) 2017/1939 formalizes the EPPO's cooperation with both Europol and Eurojust, mandating the exchange of information, operational support, and strategic consultation. The three bodies have concluded working arrangements to streamline data sharing and joint operational planning, while respecting

confidentiality and fundamental rights obligations. This inter-agency cooperation is particularly evident in the fight against organized crime, money laundering, and terrorism, where criminal networks transcend national boundaries and require simultaneous judicial and police responses.

Despite their synergies, challenges remain. Overlapping competences risk duplication of efforts, while differences in procedural safeguards and data protection regimes complicate coordination. The effectiveness of cooperation also depends on the willingness of Member States to provide timely information and operational autonomy to EU bodies. Nevertheless, the gradual institutionalization of collaboration among Europol, Eurojust and the EPPO reflects the maturation of the EU's criminal justice system—from a collection of intergovernmental mechanisms into an integrated framework grounded in mutual trust, legality, and accountability.

In sum, Europol, Eurojust and the EPPO together constitute the operational core of EU judicial and police cooperation. Their interaction demonstrates how supranational governance can strengthen both efficiency and rights protection in combating cross-border crime. These synergies exemplify the EU's evolving capacity to act as a genuine legal community—one in which the rule of law is not merely declared but actively enforced across national boundaries.

The operational synergy between Europol, Eurojust, and the EPPO is increasingly intertwined with the EU's broader efforts in migration management and border security, particularly through the work of the European Border and Coast Guard Agency (*Frontex*) and its Standing Corps. While the former agencies focus on criminal justice and law enforcement, their mandates converge with Frontex in areas such as the fight against migrant smuggling, trafficking in human beings, and cross-border organised crime. Europol's intelligence and threat assessments inform risk analyses conducted under the European Integrated Border Management (EIBM) framework, while Eurojust facilitates judicial coordination in cases involving cross-border offences committed at or beyond the EU's external borders. Furthermore, the EPPO's competence over crimes affecting the Union's financial interests extends to offences related to the misuse of EU funds in border management operations. Collectively, these inter-agency linkages illustrate an emerging *integrated security and justice ecosystem*—one in which operational, judicial, and fundamental rights dimensions are mutually reinforcing and essential for the effective and

lawful implementation of EU law at Europe's frontiers (Korontzis, 2012, c), (Korontzis, 2014, a), (Korontzis, 2022, c).

#### 4 EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX)

Frontex, the European Border and Coast Guard Agency, was established in 2004 to strengthen the management of the European Union's external borders. Its creation was a response to increasing migration flows and the need for closer cooperation among EU member states in securing their borders. The agency is headquartered in Warsaw, Poland, and operates in coordination with national border authorities of all EU countries, as well as with non-EU partners when necessary (Deleixhe & Duez, 2019).

The primary role of Frontex is to support member states in controlling and monitoring external borders, preventing irregular migration, and combating cross-border crime. Its responsibilities include coordinating joint border operations, providing technical equipment, and offering training to national border guards. Frontex also deploys rapid reaction teams in emergencies, such as sudden surges in migration or threats to border security, and conducts risk analysis to anticipate potential challenges (Baer, Beers & Bollen, 2020).

In recent years, the agency's mandate has expanded significantly. Beyond traditional border control, Frontex now participates in maritime, land, and air surveillance operations, using modern technologies like drones, sensors, and biometric systems to track movements and enhance border security. Additionally, it plays a role in search and rescue missions, ensuring that humanitarian considerations are part of its operational framework (Korontzis, 2022, b).

Frontex operates within a clear legal framework established by EU law. Its activities are governed primarily by **Regulation (EU) 2019/1896**, which sets out the mandate of the European Border and Coast Guard, including the deployment of standing corps, joint operations, and risk analysis. The regulation also defines the agency's obligations regarding fundamental rights, cooperation with EU institutions, and oversight mechanisms, ensuring that Frontex's operations respect international law, EU treaties, and human rights standards. National laws of member states further complement and regulate the agency's operations within each country's territory.

Frontex also emphasizes close collaboration with other European and international organizations. It works with Europol, the European Asylum Support Office, and Interpol to exchange information on criminal networks, human trafficking, and smuggling routes. These partnerships are crucial for managing complex migration patterns and for responding effectively to cross-border security threats that cannot be handled by individual states alone (Korontzis, 2024, a), (Korontzis, 2014,b).

Despite its important role in safeguarding the EU's external borders, Frontex has faced criticism from human rights organizations regarding the treatment of migrants and the transparency of its operations. Issues such as pushbacks, the detention of migrants in unsafe conditions, and the need for stronger accountability mechanisms have been highlighted by international observers. These challenges have prompted calls for reforms and for closer monitoring by the European Parliament and other oversight bodies.

Looking forward, Frontex continues to adapt to a rapidly changing migration environment. Climate change, regional conflicts, and political instability in neighboring regions are expected to increase irregular migration pressures in the coming years. To address these challenges, the agency is investing in advanced technology, improving operational coordination, and developing strategies to balance border security with the protection of human rights, aiming to create a sustainable and effective European border management system (Regine, 2017).

## **5 THE STANDING CORPS: STRUCTURE, MANDATE AND OPERATIONAL ROLE WITHIN THE AFSJ**

The establishment of the Standing Corps represents a landmark in the institutional and operational evolution of the European Union's Area of Freedom, Security and Justice (AFSJ). Envisioned as part of the European Border and Coast Guard (EBCG), the Standing Corps is the first uniformed service under direct EU authority. Its creation under Regulation (EU) 2019/1896 signals a decisive step toward a more integrated and permanent system of border management, enhancing both the Union's capacity to safeguard its external borders and its responsibility to uphold the rule of law and fundamental rights in all border-related operations (Korontzis, 2022, c), (Korontzis, 2012, a), (Korontzis, 2012, a,b).

The Standing Corps forms the operational backbone of Frontex (Deleixhe, Duez, 2019), officially known as the European Border and Coast Guard Agency. Article 54 of Regulation 2019/1896 provides for the gradual establishment of a standing corps of up to 10,000 operational staff by 2027. This multinational force combines four categories of personnel: (1) statutory staff employed directly by Frontex; (2) long-term seconded national officers; (3) short-term deployable officers; and (4) a reserve of return escorts and border guards. This hybrid composition reflects both the shared nature of border management and the principle of solidarity among Member States. It also represents an innovative form of *integrated administration*, in which EU and national officials act under a single chain of command when deployed.

Operationally, the Standing Corps performs a wide range of tasks within the framework of European Integrated Border Management (EIBM). These include identity checks, border surveillance, document verification, and participation in return operations. The Corps may be deployed at the external borders of Member States, in third countries under operational agreements, or in the context of joint return operations. Through these activities, the Standing Corps directly contributes to the implementation of EU border law, notably the Schengen Borders Code (Regulation (EU) 2016/399), the Return Directive (Directive 2008/115/EC), and related asylum and migration instruments (Korontzis, 2012, a,b).

A distinctive feature of the Standing Corps (Korontzis, 2024, a) is its operational autonomy. Unlike earlier Frontex missions, which relied entirely on voluntary national contributions, Standing Corps deployments are planned and commanded by the Agency itself. The Executive Director of Frontex holds the authority to initiate rapid border interventions and to deploy the Standing Corps following a request—or, in exceptional cases, even without the consent—of a Member State facing disproportionate migratory pressure (Art 42(1), Regulation 2019/1896). This mechanism enhances the EU's capacity for swift collective action but simultaneously raises constitutional and accountability concerns. The exercise of executive powers by EU agents on the territory of Member States tests the traditional limits of EU administrative law and underscores the need for clear legal safeguards.

Fundamental rights compliance lies at the core of the Standing Corps' mandate. Regulation 2019/1896 embeds a robust fundamental rights framework, including the

appointment of a Fundamental Rights Officer, the creation of a Fundamental Rights Monitoring System, and the establishment of a complaints mechanism accessible to individuals affected by Frontex operations. All Standing Corps members must undergo mandatory training on EU law, human rights, and the use of force. These provisions respond to persistent concerns regarding alleged pushbacks and violations of the principle of non-refoulement, particularly at the EU's maritime borders. As such, the Standing Corps operates at the intersection between operational efficiency and legal responsibility, symbolizing the Union's effort to reconcile border control with fundamental rights protection.

The Standing Corps also plays a pivotal role in fostering inter-agency cooperation within the AFSJ. Its field operations increasingly intersect with Europol's intelligence support and Eurojust's coordination in criminal cases related to migrant smuggling and trafficking in human beings. Moreover, coordination with the European Public Prosecutor's Office (EPPO) has the potential to strengthen oversight of financial and operational irregularities linked to EU-funded border activities. These synergies illustrate the gradual emergence of a *multilevel security and justice architecture*, in which operational, judicial, and administrative dimensions converge (Korontzis, 2024, b).

Nevertheless, the Standing Corps' growing influence invites important questions of accountability and democratic oversight. The European Parliament and the European Ombudsman have repeatedly stressed the need for transparency in operational decision-making and access to remedy for affected individuals. The CJEU's jurisprudence on agency powers and fundamental rights, though still developing, will likely shape the contours of lawful executive action by EU bodies in the field. Ultimately, the legitimacy of the Standing Corps depends on its capacity to operate effectively within the rule of law, ensuring that EU action at the borders embodies not only the principles of efficiency and solidarity but also those of legality, proportionality, and respect for human dignity.

In sum, the Standing Corps constitutes a transformative development in the governance of the AFSJ. It operationalizes the EU's commitment to shared responsibility for border management while anchoring its activities in a comprehensive legal framework grounded in fundamental rights. Its success will be measured not only by its capacity to manage migratory and security challenges but also by its adherence to the Union's core

constitutional values, thereby reinforcing the credibility and coherence of the European project itself (Korontzis, 2022, c).

## **6 FUNDAMENTAL RIGHTS SAFEGUARDS AND ACCOUNTABILITY MECHANISMS IN THE OPERATIONS OF THE STANDING CORPS**

The operational activities of the Standing Corps (see diagrams 1,2,4), as part of the European Border and Coast Guard Agency (Frontex), are conducted within a highly sensitive legal environment where the imperatives of border control intersect with the obligations to protect fundamental rights (see diagram 3 regarding the migration pressures to Europe). The legitimacy and sustainability of the Standing Corps depend on its ability to ensure that EU action at the external borders fully complies with the Charter of Fundamental Rights of the European Union (CFREU), the European Convention on Human Rights (ECHR), and the principles of international refugee and humanitarian law. Consequently, the legal framework of Regulation (EU) 2019/1896 embeds a multilayered system of safeguards and accountability mechanisms designed to uphold these obligations.

At the heart of this framework lies Article 80 of Regulation 2019/1896, which establishes the post of the Fundamental Rights Officer (FRO). The FRO acts as an independent authority within the Agency, responsible for monitoring the respect of fundamental rights in all Frontex activities, including operations involving the Standing Corps. The Officer is mandated to provide strategic advice to the Management Board, conduct risk assessments, and ensure that all operational plans include binding fundamental rights provisions. The FRO's office is further supported by the Fundamental Rights Monitors—an innovation introduced by the 2019 Regulation—who are deployed to operational areas to observe compliance on the ground. These mechanisms aim to institutionalize human rights oversight within the operational chain of command, ensuring that the Standing Corps operates under continuous scrutiny and transparency.

In addition, the Regulation established a *Complaints Mechanism* that enables any person who believes their fundamental rights have been violated in the context of a Frontex operation to submit a complaint directly to the Agency. The FRO examines these complaints, refers them to the Executive Director, and monitors follow-up measures. This

instrument enhances individual access to remedy at the EU level—an area where accountability has traditionally been fragmented. The existence of such a mechanism reflects the principles laid down in Article 47 CFREU, which guarantees the right to an effective remedy and to a fair hearing. However, the mechanism’s non-binding nature and its reliance on the cooperation of national authorities remain limitations that weaken its practical impact.

Frontex and the Standing Corps also operate under the broader supervision of the European Ombudsman and the European Parliament. The Ombudsman, through own-initiative inquiries such as Case OI/5/2020/MHZ, has underscored deficiencies in the Agency’s fundamental rights compliance, calling for greater transparency and accountability. The European Parliament exercises democratic oversight primarily through the Committee on Civil Liberties, Justice and Home Affairs (LIBE), which regularly questions the Agency’s leadership and approves its budget. This parliamentary scrutiny is complemented by the role of the European Court of Auditors, which evaluates the financial and operational efficiency of Frontex missions. Together, these institutions form a network of indirect accountability, ensuring that the Standing Corps’ activities remain subject to institutional checks and public scrutiny.

Judicial accountability is another key dimension. Although individuals cannot yet bring direct actions against Frontex before the Court of Justice of the European Union (CJEU), the Court’s jurisdiction over the Agency is expanding through preliminary references and potential liability actions under Article 340 TFEU. The *Case T-600/21 WS v Frontex* marks a significant precedent, as it raises the question of whether Frontex can be held jointly responsible for alleged fundamental rights violations committed during joint operations. The outcome of such cases will define the contours of agency liability in EU administrative law and the practical reach of the Charter in operational contexts.

Moreover, the Standing Corps operates under international obligations, particularly the principle of *non-refoulement* enshrined in Article 33 of the 1951 Geneva Convention and Article 19(2) CFREU. Compliance with this principle requires Frontex and its officers to ensure that no individual is returned to a country where they face a real risk of persecution or inhuman treatment. The operational guidelines for Standing Corps members, combined with compulsory training on human rights, international protection,

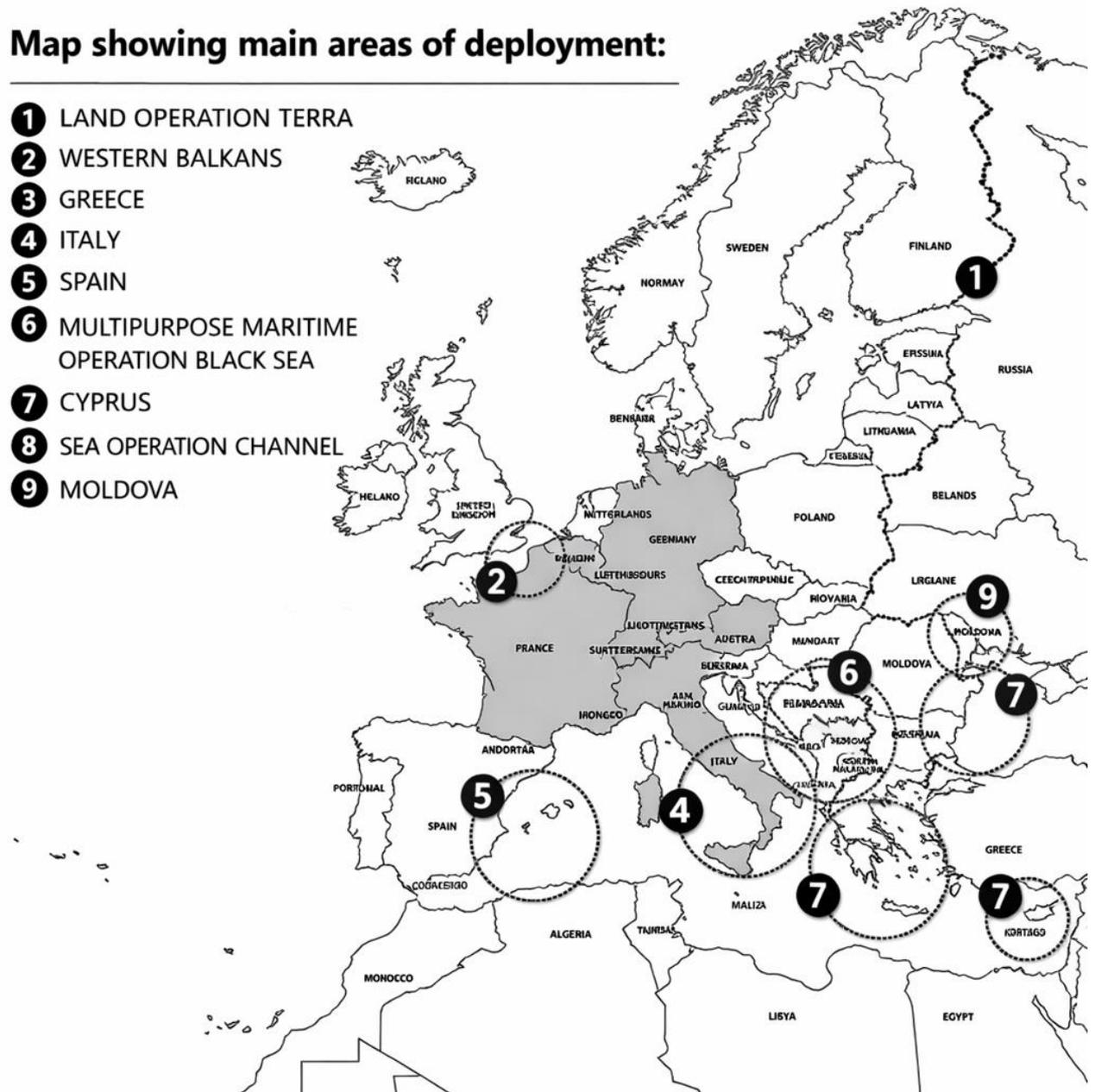
and the use of force, aim to internalize these legal standards within the Agency's culture and field practice.

Nonetheless, persistent allegations of pushbacks, excessive use of force, and lack of transparency indicate that the Standing Corps still operates within a fragile accountability environment. Scholars argue that the diffusion of responsibility among EU and national actors creates "accountability gaps", making it difficult to attribute specific violations to identifiable authorities. Strengthening accountability thus requires clearer delineation of legal competences, greater access to judicial remedies, and systematic cooperation with external human rights monitoring bodies, such as the EU Agency for Fundamental Rights (FRA) and the Council of Europe's Commissioner for Human Rights.

In conclusion, the Standing Corps' legitimacy within the AFSJ hinges on its capacity to balance operational effectiveness with full respect for fundamental rights. The EU has made significant progress in embedding safeguards and creating multiple accountability channels, but the consolidation of a genuine culture of fundamental rights protection remains an ongoing process. Only through effective oversight, transparent governance, and enforceable remedies can the Standing Corps fully embody the principles of legality, dignity, and responsibility that underpin the European Union's constitutional order (Rijpma, Vermeulen, 2015)

**Figure 1***Areas of Standing Corps Deployment***Map showing main areas of deployment:**

- 1** LAND OPERATION TERRA
- 2** WESTERN BALKANS
- 3** GREECE
- 4** ITALY
- 5** SPAIN
- 6** MULTIPURPOSE MARITIME OPERATION BLACK SEA
- 7** CYPRUS
- 8** SEA OPERATION CHANNEL
- 9** MOLDOVA



Source: <https://www.frontex.europa.eu/what-we-do/operations/operations/>

Figure 2

Immigration Flows to Europe



Source: Hellenic Coast Guard Headquarter, 11/2025

**Figure 3***Profiles of Standing Corps*

<b>PROFILES</b>			
<b>European Border and Coast Guard Standing Corps Specialisation Training Programmes - PROFILES</b>			
Border Guard Officer	Information Officer	Debriefing Officer	Cross-Border Crime Detection Officer
Motor Vehicle Crime Detection Officer	Return Specialist	Frontex Tactical Support Officer	Frontex Return Escort and Support Officer
Dog Handler 26/8/2024	European Coast Guard Functions Officer	Advanced Level Document Officer	Crew Member 22

Source: <https://www.frontex.europa.eu/about-frontex/standing-corps/profiles/>

## Figure 4

### *Categories of standing Corps*

# Categories

The standing corps is composed of four categories of officers.

- Frontex personnel and
- officers who are sent from the Member States to the agency on long- or short-term missions, as well as a reserve that can be activated in times of crisis.

In total, by 2027 the European Border and Coast Guard standing corps will comprise 10 000 people, among them 3000 category 1 officers – Frontex staff. The other 7000 thousand officers will be seconded from EU Member States.

**Category 1:** Border guards directly employed by Frontex as staff members and regularly deployed to border guarding missions according to their profile

**Category 2:** Long-term staff seconded from Member States

**Category 3:** Short-term staff seconded from Member States

**Category 4:** Reserve of EU Member States border guards that are available to Frontex for rapid border management crisis.

8/11/2025
21

Source: <https://www.frontex.europa.eu/about-frontex/standing-corps/profiles/>

## 7 FUNDAMENTAL RIGHTS AND OVERSIGHT MECHANISMS

Respect for fundamental rights is enshrined as a core principle in the Frontex Regulation. The Fundamental Rights Officer (FRO) serves as the Agency's internal watchdog, ensuring compliance through audits, training, and field monitoring. The appointment of 46 Fundamental Rights Monitors in 2022 represented a major step toward institutionalizing oversight at the operational level. Frontex also operates a Complaints Mechanism, enabling individuals to submit grievances regarding potential rights violations. Cooperation with external actors such as the European Ombudsman, the European Data Protection Supervisor (EDPS), and the EU Agency for Fundamental Rights (FRA) enhances accountability. However, several investigations and NGO reports have alleged instances of unlawful pushbacks and excessive use of force, particularly in operations involving vulnerable migrants. These incidents reveal that formal oversight mechanisms, while necessary, are insufficient without a genuine internal culture of

accountability and transparency. Ensuring the credibility of the Standing Corps thus requires both legal compliance and moral integrity within the institution.

## **8 CHALLENGES AND LIMITATIONS**

Despite its achievements, the Standing Corps faces multiple structural and ethical challenges. First, the hybrid governance model—combining EU oversight with Member State control—often creates confusion about responsibility. The European Court of Auditors (2023) noted persistent ambiguity regarding who bears liability in cases of human rights violations during joint operations. Second, political sensitivities surrounding migration amplify the risk of instrumentalization. Member States under pressure may prioritize deterrence over protection, undermining the EU’s normative commitments. Third, the rapid growth of Frontex has outpaced the development of its internal management systems, leading to administrative inefficiencies and reputational damage. The 2022 resignation of the Frontex Executive Director following allegations of misconduct underscored the urgent need for ethical leadership and institutional reform. Finally, public trust remains fragile: while some view Frontex as a guarantor of European security, others perceive it as a symbol of militarized migration control. Reconciling these perceptions requires a transparent, rights-based approach that balances operational effectiveness with moral legitimacy.

## **9 OPPORTUNITIES AND FUTURE PROSPECTS**

Notwithstanding these difficulties, the Standing Corps offers significant opportunities for the EU to set global standards in humane and effective border management. The ongoing development of the Integrated Border Management (IBM) strategy and the use of digital technologies such as satellite monitoring and AI-based risk assessment present avenues for enhancing both efficiency and oversight. Cooperation with third countries under the EU’s external dimension of migration policy also expands Frontex’s operational reach, as seen in partnerships with the Western Balkans and North African states. However, such cooperation must be carefully monitored to avoid externalizing human rights risks. The future of the Standing Corps lies in building a

professional ethos grounded in ethics, transparency, and legal compliance. Strengthening inter-agency coordination with Europol, the European Asylum Agency, and civil protection mechanisms could foster a truly integrated security and humanitarian framework. Over time, the Corps may even serve as a blueprint for other EU-level uniformed services in domains such as cybersecurity, civil protection, and environmental monitoring (Korontzis, 2022, c).

## 10 CONCLUSION

### 10.1 The Standing Corps and the future of EU law and fundamental rights implementation

The creation and operation of the Standing Corps mark a defining moment in the constitutional and operational development of the European Union's Area of Freedom, Security and Justice (AFSJ). It represents not only a major institutional innovation but also a symbolic step towards the Union's capacity to act as a genuine legal and political community in the field of border management. The Standing Corps embodies the EU's ambition to transform fragmented national practices into an integrated framework of governance, capable of delivering both security and justice while remaining bound by the principles of the rule of law and fundamental rights.

From a legal and institutional perspective, the Standing Corps constitutes the first direct manifestation of EU executive power in the domain of border control. Its deployment mechanisms, operational autonomy, and supranational command structure distinguish it from previous coordination models. By integrating EU and national officers under a unified chain of command, it operationalizes the concept of *shared implementation* of EU law. This evolution reflects the broader constitutional trend of the AFSJ: a gradual movement from intergovernmental cooperation towards supranational integration, where common rules are not merely adopted but effectively enforced on the ground.

The Standing Corps' contribution extends beyond operational capacity. It reinforces the normative dimension of EU law by embedding legal standards of human rights protection within every stage of its activities. The introduction of the Fundamental

Rights Officer, the monitoring system, and the complaints mechanism under Regulation (EU) 2019/1896 institutionalizes the EU's commitment to legality and accountability. These innovations reflect the post-Lisbon paradigm, in which the implementation of EU law is inseparable from the application of the Charter of Fundamental Rights. In this sense, the Standing Corps acts not merely as a border control instrument but as a vehicle for the realization of the Union's constitutional values in the field.

At the same time, the Standing Corps operates within a system of complex inter-agency cooperation involving Europol, Eurojust, and the European Public Prosecutor's Office (EPPO). This networked governance structure enhances the coherence of EU action against cross-border crime, migrant smuggling, and trafficking, while ensuring that operational decisions are coordinated with judicial and prosecutorial frameworks. Such synergies reinforce mutual trust among Member States and contribute to the consistent application of EU law across diverse legal orders.

Nevertheless, significant challenges remain. The expansion of EU operational authority at the borders raises unresolved questions concerning accountability, transparency, and democratic oversight. Persistent allegations of fundamental rights violations—especially pushbacks and the disproportionate use of force—demonstrate the continuing fragility of the EU's fundamental rights architecture. The diffusion of responsibility between EU institutions and Member States risks creating accountability gaps that undermine the rule of law. Ensuring genuine access to remedy, effective parliamentary control, and judicial review therefore remains essential to legitimizing the Standing Corps' activities and safeguarding the credibility of the Union's fundamental rights commitments.

Ultimately, the Standing Corps illustrates both the potential and the limits of integration within the AFSJ. It exemplifies how operational cooperation can strengthen the implementation of EU law and contribute to a more effective, coherent, and rights-based Union. Yet it also highlights that the EU's legitimacy in this sensitive domain depends on its adherence to constitutional principles and its responsiveness to public and judicial scrutiny. The challenge for the future lies in ensuring that the Union's expanding executive powers remain firmly anchored in legality, accountability, and respect for human dignity.

If these conditions are met, the Standing Corps could evolve into more than a border management instrument—it could become a cornerstone of a truly European model of governance, where the pursuit of security is inseparable from the protection of rights, and where the rule of law defines the boundaries and the legitimacy of all Union action.

## REFERENCES

- Baër, S., & Beeres, R. & Bollen, M. (2020). Border Sharing – a Quantitative Analysis of Contributions to FRONTEX 2012–2018, *Defence and Peace Economics*.
- Coppens, J. (2012). Migrants in the Mediterranean: Do's and Don'ts in Maritime Interdiction. *Ocean Development & International Law*, 43(4).
- Deleixhe, M., & Duez, D. (2019). The new European border and coast guard agency: pooling sovereignty or giving it up? *Journal of European Integration*, 41 (7).
- Korontzis, T. (2024,a). I.CO.D.ECON 2024, 6<sup>th</sup> International Conference of Development and Economy, Kalamata Greece, 11-13 October 2024 organized by the University of Peloponnese, University of Western Macedonia (International and European Economic Studies), University of National and World Economy (Sofia), Alexandrou Ioan Cuza (University of Iasi). Announcement titled: «Human Resources in the European Border and Coast Guard Agency [(EBCGA)-FRONTEX]. The case of Standing Corps», [BOOK OF ABSTRACTS OF INTERNATIONAL CONFERENCE, 6th International Conference of Development and Economy (ICODECON), 11-13 October 2024, Kalamata Greece, p.p. 49-50].
- Korontzis, T. (2024, b). 11th International Conference on Management Studies and Social Sciences, ICMS & ICSS 2024, Istanbul, Turkey, August, 10, 2024. Announcement titled: «The contribution of Europol, Frontex, EPPO and Eurojust in the area of freedom, security and justice», [Conference Proceedings, 11th International Conference on Management Studies and Social Sciences, ICMS & ICSS 2024, Istanbul, Turkey, August 10, 2024, p.71]
- Korontzis, T. (2024, c). The contribution of Europol, Frontex, EPPO and Eurojust in the area of freedom, security and justice, *European Journal of Political Science Studies*, Vol. 7, Issue 2, p.p. 257-272.
- Korontzis, T. (2022). The judicial cooperation in the European Union. Eurojust or/and EPPO?, *International Multilingual Journal of Science and Technology*, Vol 7, Issue 12, p.p. 5791-5798.
- Korontzis, T. (2022, a). European Policies on Sea Borders Guarding: European Border and Coast Guard Agency (Frontex) and Hellenic Coast Guard, *International Multilingual Journal of Science and Technology*, Vol 7, Issue 12, p.p. 5730-5745.

- Korontzis, T. (2022, b). European Policies on Sea Borders Guarding: European Border and Coast Guard Agency (Frontex) and Hellenic Coast Guard. *International Multilingual Journal of Science and Technology*, 7 (12), 5730-5745.
- Korontzis, T. (2022, c). *The contribution of the European organizations of Europol, Frontex, Eurojust and of the institution of European Prosecutor in the area of freedom, security, justice in the EU. The case of Hellas*, BOOKSTARS, Athens,
- Korontzis, T. (2014, a). International Law Enforcement Cooperation. *European Scientific Journal*, 05/2014, 355-367.
- Korontzis, T. (2014, b). Legal aspects of migrants smuggling at the sea border between Hellas and Turkey, *European Scientific Journal*, 1 (6), 464-482.
- Korontzis, T. (2013). The European arrest warrant in the European criminal policy. Its implementation in the Hellenic legal order. *International Journal of Asian Social Science*, 3 (6), 1345-1359.
- Korontzis, T. (2012, a). Surveillance of the Hellenic Sea borders and illegal immigration. EU policy, Frontex and the role of the Hellenic Coast Guard. *Dioikitiki Enimerosi*, 63, 4-30.
- Korontzis, T. (2012, b). The European policies for illegal immigration via EUROPOL and FRONTEX in Hellas. *International Conference "Comparing and contrasting "Europeanization": concepts and experiences", 14-16 May. Athens. Institute of International Economic Relations (IIER/IDOS)*.
- Korontzis, T. (2012, c). The contribution of EUROPOL and FRONTEX in combating the phenomenon of illegal immigration in Hellas. *Review of European Studies*, 4 (1) 188-202. doi:10.5539/res.v4n1p188).
- Korontzis, T. (2012, d). European Union criminal policy and Joint Investigation Teams. The case of Hellas. *International Journal of Asian Social Science*, 2 (12), 2237-2250.
- Regine, P. (2017). Harmonization by risk analysis? Frontex and the risk-based governance of European border control. *Journal of European Integration*, 39(6).
- Rijpma, J. & Vermeulen, M.(2015). EUROSUR: saving lives or building borders? *European Security*, 24 (3).
- Satoko H. (2017). The effect of Frontex's risk analysis on the European border controls. *European Politics and Society*, 17 (2).

### **Authors' Contribution**

All authors contributed equally to the development of this article.

**Data availability**

All datasets relevant to this study's findings are fully available within the article.

**How to cite this article (APA)**

Korontzis, T., & Sdrolias, L. (2026). THE CONTRIBUTION OF THE STANDING CORPS INSTITUTION IN THE IMPLEMENTATION OF THE EU LAW AND OF THE FUNDAMENTAL RIGHTS. *Veredas Do Direito*, 23(4), e234343. <https://doi.org/10.18623/rvd.v23.n4.4343>