

EN
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Answer given by Mr Brunner
on behalf of the European Commission
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The Schengen Borders Code¹ defines a border guard as ‘*any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out [...] border control tasks*’. It follows that Member States have discretion in designating the public officials authorised to exercise the functions of border guards. In accordance with Article 39(1)(d) of the Schengen Borders Code, Member States are required to notify the Commission of the list of the national services responsible for border control.

As for Frontex, the European Border and Coast Guard (EBCG) Regulation² clarifies that the EBCG shall implement European integrated border management as a shared responsibility of the Agency and of the national authorities responsible for border management, including coast guards, as well as the national authorities responsible for return. Member States retain primary responsibility for the management of their sections of the external borders. It remains the prerogative of the Member State to designate the responsible national authorities to cooperate with Frontex in the implementation of these tasks.

¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

² Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.