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IMPLEMENTING THE EU PACT AT THE EXTERNAL BORDERS: READINESS, INTEROPERABILITY AND SAFEGUARDS IN SPAIN, LITHUANIA AND BULGARIA

Mª Ángeles Cano Linares *

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1. Introduction

The EU Pact on Migration and Asylum entered its decisive operational phase on 12 June 2026, when most of the legislative measures adopted in May 2024 became applicable after a two-year implementation period. This transition from legislative agreement to operation is particularly demanding at the Union's external borders because screening, biometric registration, asylum and return border procedures, adequate reception capacity, information systems, legal assistance and independent monitoring do not function as autonomous components. They form an interconnected administrative

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sequence in which the effective operation of each element frequently depends upon the timely and lawful functioning of several others.[1]

The Pact emerged from the broader programme presented by the European Commission in September 2020, which envisaged a comprehensive approach combining effective procedures, solidarity, protection of the right to asylum, returns, cooperation with third countries, legal pathways and integration.[2] Although the legislative settlement adopted in 2024 does not reproduce that political programme in every respect, the present study is concerned less with measuring fidelity to the original programme than with examining whether the operational architecture actually adopted can function coherently once its interdependent legal, administrative, material and technological requirements are applied at the external borders.

Implementation can easily be reduced to formally measurable milestones – legislation adopted, authorities designated, locations notified, systems connected, staff trained and capacity calculated – even though none of these measures, taken alone, establishes effective operation. Technical compliance may coexist with insufficiently trained users, a designated monitoring body with inadequate resources, or reception capacity located away from the point of demand; formal readiness must therefore be distinguished from effective implementation.

Against this background, the article asks what the first stages of implementation of the 2024 Pact reveal about readiness at the Union's external borders and how implementation difficulties interact across contrasting national settings, while also

[1] Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU; Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817; Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of Eurodac for the comparison of biometric data, identification of illegally staying third-country nationals and stateless persons and related law-enforcement access, amending Regulations (EU) 2018/1240 and (EU) 2019/818 and repealing Regulation (EU) No 603/2013; Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147; Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU; Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection; Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework and amending Regulation (EU) 2021/1147; Regulation (EU) 2024/1352 of the European Parliament and of the Council of 14 May 2024 amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders; Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure and amending Regulation (EU) 2021/1148, OJ L, 22 May 2024.

[2] European Commission, Communication on a New Pact on Migration and Asylum, COM(2020) 609 final, 23 September 2020, sections 2-8.

examining whether interoperability and digital systems are primary sources of difficulty or, rather, infrastructures capable of transmitting and amplifying weaknesses originating elsewhere.

The comparison focuses on Spain, Lithuania and Bulgaria, three cases selected for both evidentiary availability and analytical contrast. Spain combines Mediterranean, Atlantic, island and land-border environments; Lithuania represents a north-eastern land border shaped by security measures linked to movement from Belarus; and Bulgaria combines a south-eastern border with Türkiye, intensive border-management activity and significant reception requirements.

The analysis develops three connected findings. Early implementation difficulties are multidimensional and can travel across legal, institutional, material and professional stages; technological readiness is indispensable but cannot serve as a proxy for readiness of the system as a whole, since digital systems may amplify weaknesses originating elsewhere; and implementation presents a sequencing problem where registration, screening and information exchange become operational faster than the fragmented mechanisms of legal assistance, correction and independent monitoring intended to constrain them.

The argument develops in two stages. Sections 2 and 3 establish the analytical and evidentiary framework by defining readiness, delimiting the sources and explaining how the Pact's implementation architecture is assessed. Sections 4 and 5 then move from the comparison of Spain, Lithuania and Bulgaria to the implementation chains revealed by those cases. On that basis, Sections 6 and 7 examine the particular role of interoperability and the sequencing of safeguards. Section 8 draws together the implications for the first phase of implementation.

2. Analytical framework and methodology

This section establishes the analytical framework used to assess early implementation. It first clarifies the evidentiary meaning of readiness and the principal concepts used throughout the article. It then explains the source base, the selection of the three national cases and the temporal limitations of an assessment conducted during the first months of application.

2.1. Assessing implementation beyond formal readiness

Implementation of the Pact raises a methodological difficulty because 'readiness' may describe measures that are merely provided for, already operating, or functioning effectively under pressure. Treating these stages as equivalent would obscure the very gap between formal preparation and operational implementation that this article seeks to assess.

The analysis therefore distinguishes five evidentiary levels – formal provision, implementation underway, operation in practice, effective functioning, and remaining or unverifiable gaps. These are analytical rather than legislative categories, designed to prevent a designation, procurement contract or technical test from being treated as proof of an outcome that it cannot by itself establish.

Formal provision concerns the necessary legal or administrative basis; 'implementation underway' denotes measures whose framework exists but whose material, organisational or technical steps remain incomplete; 'operation in practice' requires evidence that the process is actually performed; and 'effective functioning' requires that it operates with the necessary capacity, professional support and legal safeguards. The final category records persistent or still unverifiable gaps.

At the external borders, these distinctions are particularly important. Notification of a location does not necessarily establish the availability of facilities, interpretation, healthcare or legal assistance. A Eurodac compliance test does not establish accurate collection, use and correction under sustained operation. Likewise, designation of a monitoring body does not necessarily establish adequate staffing, access or methodological independence.

For the purposes of this article, 'external-border implementation' is used as an analytical rather than autonomous legal category, referring to the combined operation, at or in direct connection with the Union's external borders, of screening and registration, asylum and return border procedures, reception and adequate capacity, interoperable information systems, operational support and the safeguards governing those activities. The expression is deliberately broader than the Schengen Borders Code concept of 'border control', which is legally defined as the activity carried out at a border in response exclusively to an intention to cross or the act of crossing it and consists of border checks and border surveillance; its function here is to identify the operational setting in which the Pact requires several legal and administrative systems to work together.[3]

A similar qualification applies to interoperability, which is used primarily to describe the legal and technical architecture established for authorised exchange, search, matching and identity management across relevant EU information systems, together with the national processes required to connect to and use that architecture. It does not imply that all databases have been merged into a single unrestricted system, since the underlying systems retain distinct purposes, legal bases, authorised users and access conditions even where common components facilitate queries or biometric matching.[4]

The analysis also uses 'organisational interoperability' to describe the administrative handovers among border, asylum, reception, health, child-protection, return, judicial and

[3] 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), Art. 2(10), consolidated version in force.

[4] Regulations (EU) 2019/817 and 2019/818 establishing a framework for interoperability between EU information systems.

monitoring authorities, since a digital referral has limited value unless the receiving actor has the information, competence and responsibility required to act upon it.

Finally, 'external cooperation' is used more narrowly than the Union's external migration policy as a whole. It refers here to third-country cooperation affecting identification, prevention of irregular entry, readmission, return or route management. The distinction matters because cooperation, dependence and confrontation describe materially different relationships in the Spanish, Bulgarian and Lithuanian settings.[5]

2.2. Sources, case selection and limitations

The article adopts a qualitative comparative methodology based primarily on implementation material produced between the adoption of the Pact in May 2024 and its first operational months after 12 June 2026. The principal source base consists of the Commission's Common Implementation Plan and successive implementation reports, National Implementation Plans where publicly identifiable, and material produced by the European Union Agency for Asylum (EUAA), the European Union Agency for the Operational Management of Large-Scale IT Systems (eu-LISA), the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Fundamental Rights (FRA), supplemented where relevant by judicial decisions, national material and civil-society reporting.[6]

These sources are not interchangeable. Commission reporting primarily assesses legal, administrative and operational milestones; EUAA provides greater depth on asylum, reception, staffing and procedural practice; eu-LISA addresses central information-system development and connection; Frontex contributes operational and risk-analysis evidence; and FRA focuses more directly on whether procedural and fundamental-rights safeguards are usable in practice.

Evidence is therefore interpreted according to the proposition it can support. Thus, a Commission assessment that a state is 'on track' may coexist with rights-oriented evidence of practical shortcomings, just as successful central delivery by eu-LISA may coexist with national problems of procurement, connection, user access or training. Such divergence may identify different dimensions of readiness rather than factual contradiction.

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[5] European Commission, Communication on a New Pact on Migration and Asylum, COM(2020) 609 final, 23 September 2020, section 6; V. MORENO-LAX, *Accessing Asylum in Europe: Extraterritorial Border Controls and Refugee Rights under EU Law*, Oxford, 2017; J.C. HATHAWAY, T. GAMMELTOFT-HANSEN, *Non-Refoulement in a World of Cooperative Deterrence*, in *Columbia Journal of Transnational Law*, 2015, no. 2, pp. 235-284; A. DEL VALLE GÁLVEZ, *La externalización de las fronteras de la Unión Europea*, in *Revista de Estudios Jurídicos y Criminológicos*, 2020, no. 2.

[6] European Commission, Common Implementation Plan for the Pact on Migration and Asylum, COM(2024) 251 final, 12 June 2024; First report on progress in implementing the Pact on Migration and Asylum, COM(2024) 456 final, 14 October 2024; Second report, COM(2025) 319 final, 11 June 2025; Third report, COM(2026) 196 final, 8 May 2026. European Union Agency for Asylum, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

Apparent convergence also requires caution because official reports may rely on the same national submissions or shared indicators. Greater weight is therefore given, where available, to operational monitoring, judicial findings, published national measures and evidence generated by actual use, while institutional silence is not treated as proof that no problem exists.

Civil-society material is used with the same caution. Although such reporting may provide access to applicants, lawyers and border locations that is unavailable to managerial implementation reports and can therefore make visible barriers that formal milestones do not capture, allegations are attributed as such rather than converted into established facts merely by their inclusion in a report. Their analytical value lies partly in testing whether the new implementation architecture contains credible mechanisms for recording encounters, preserving evidence, receiving complaints and enabling independent investigation.[7]

The selection of Spain, Lithuania and Bulgaria follows both substantive and evidentiary criteria. A wider review of external-border Member States revealed significant differences in public access to National Implementation Plans (NIP), ranging from complete publication to summaries, presentation material or non-public submitted plans, while Hungary and Poland had decided not to prepare or submit an NIP. The resulting absence of comparable public documentation in several major external-border states limits the possibility of a symmetrical national comparison and constitutes a transparency problem in its own right, which this article treats as a methodological limitation rather than as a separate object of investigation.[8]

Among states for which sufficiently identifiable implementation material was available, Spain, Lithuania and Bulgaria provide contrasting external-border configurations rather than a statistically representative sample. Spain combines maritime, Atlantic, island and land-border environments. Lithuania offers a north-eastern land-border case shaped by measures adopted in response to the alleged instrumentalisation from Belarus. Bulgaria combines a south-eastern land border with Türkiye, intensive border-management activity, Frontex involvement and significant material reception requirements.[9]

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[7] See, for example, AIDA/ECRE, Country Report: Spain - 2025 Update, July 2026, sections on access to territory and the asylum procedure; AIDA/ECRE, Country Report: Bulgaria - 2025 Update, May 2026, sections on access to territory, procedural guarantees and detention; Lithuanian Red Cross Society, Input by Civil Society Organisations to the Asylum Report 2025, February 2025.

[8] European Union Agency for Asylum, *National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum*, Situational Update No 25, March 2026, pp. 2-7.

[9] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, May 2026; Council of the European Union, *Schengen: Council decides to lift land border controls with Bulgaria and Romania*, Press Release, 12 December 2024. European Commission, Proposal for a Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland, COM(2021) 752 final, 1 December 2021; Court of Justice, judgment of 30 June 2022, M.A., C-72/22 PPU, EU:C:2022:505. European Border and Coast Guard Agency, annual route analysis concerning the Western Mediterranean and Atlantic routes; EUAA, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

The analysis is necessarily preliminary because most Pact provisions became generally applicable only on 12 June 2026 and much of the available evidence concerns preparation or the first months of operation. The Commission's report of 8 May 2026 is therefore treated as a final readiness assessment rather than as evidence of sustained performance, and designation, testing or planned capacity are not equated with effectiveness over time.

Accordingly, the article neither establishes definitive national compliance nor infers Union-wide outcomes from three cases; it identifies early implementation conditions, dependencies and observable gaps at the level supported by the available evidence, subject to reassessment as operational monitoring and judicial practice develop.

3. From legislative requirements to implementation evidence

Having defined the evidentiary framework, the analysis now turns to the institutional architecture through which implementation is organised and observed. The first subsection identifies the principal legal and operational requirements that had to be made functional by June 2026. The second examines how the Commission and the Union agencies assess different dimensions of readiness, thereby establishing the evidentiary basis for the national comparison in Section 4.

3.1. The implementation architecture

The Pact's external-border architecture requires the simultaneous operation of legal, material and technological components that, before the 2024 package, could more readily be examined as separate areas of administration. Screening introduces an organised pre-entry process involving identification, biometric registration, health and security checks, preliminary vulnerability identification and referral into the appropriate subsequent procedure. The Asylum Procedure Regulation connects that process to border procedures in defined categories of cases, while the concept of adequate capacity requires Member States to prepare the infrastructure necessary for those procedures. At the same time, the recast Eurodac Regulation expands the information recorded and makes digital registration increasingly central to the administrative sequence.[10]

These components form part of the wider implementation framework established after the adoption of the 2024 legislative package. The Commission's Common

[10] S. PEERS, *The New EU Asylum Laws: Taking Rights Half-Seriously*, in *Yearbook of European Law*, 2024, vol. 43, pp. 113-183; G. CORNELISSE, M. RENEMAN, *Border Procedures in the Commission's New Pact on Migration and Asylum: A Case of Politics Outplaying Rationality?*, in *European Law Journal*, 2020, nos. 3-4, pp. 181-193. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders; Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union; Regulation (EU) 2024/1358 of 14 May 2024 on the establishment of Eurodac.

Implementation Plan of 12 June 2024 translated the legislative settlement into ten implementation building blocks covering Eurodac; management of migration at the external borders; reception; asylum procedures; returns; responsibility; solidarity; preparedness and crisis planning; safeguards and monitoring; and resettlement, inclusion and integration, with National Implementation Plans intended to translate those common requirements into national programmes.[11]

The implementation process consequently produced a large number of measurable milestones. These include legislative amendments, designation of competent authorities, notification of screening and border-procedure locations, determination of adequate capacity, procurement of biometric equipment, connection and testing of information systems, recruitment and training, reception planning, arrangements for legal counselling and establishment of independent monitoring mechanisms.

Those indicators are indispensable for implementation governance, but their evidentiary meaning changed as the application date approached. The first Commission report principally assessed mobilisation and national planning. By the second report of June 2025, the same activities had become time-sensitive dependencies because draft laws, procurement or infrastructure still requiring lengthy completion could threaten operational readiness. The third report of 8 May 2026 moved closer to an operational assessment by examining Eurodac testing, adequate capacity, notified locations, reception infrastructure, case-management systems, health checks, legal counselling, monitoring and judicial preparedness.[12]

The progression demonstrates why implementation cannot be assessed through a static checklist, since a procurement process may constitute evidence of progress two years before its application but evidence of risk several weeks before it, just as the completion of a compliance test shortly before launch represents meaningful technical readiness without predicting how the system will function under sustained or geographically concentrated demand.

This temporal perspective also reveals persistent dependencies. National legislation, adequate capacity, reception, personnel, coordination, information systems and safeguards recur throughout the implementation process. Where the same issue remains visible from initial planning to final readiness, it should be treated not as an isolated last-minute delay but as a structural dependency of the operational model.

3.2. Different institutional perspectives on readiness

The institutional evidence confirms that implementation has no single authoritative viewpoint because the Commission, the EUAA, eu-LISA, Frontex and the FRA observe

[11] European Commission, Common Implementation Plan for the Pact on Migration and Asylum, COM(2024) 251 final, 12 June 2024, and Annex.

[12] European Commission, First report on progress in implementing the Pact on Migration and Asylum, COM(2024) 456 final, 14 October 2024; Second report on progress in implementing the Pact on Migration and Asylum, COM(2025) 319 final, 11 June 2025; Third report on progress in implementing the Pact on Migration and Asylum, COM(2026) 196 final, 8 May 2026.

different parts of the operational chain and use different forms of evidence; read together, their accounts make it possible to analyse readiness as a multidimensional condition rather than a binary conclusion.

The Commission's implementation reports provide the common reference point by examining whether Member States have created the legal and administrative prerequisites necessary for application and whether outstanding measures appear capable of completion. Their principal value lies in comparability and temporal monitoring, although the limits of that function are equally important. Thus, an assessment that legislation, procurement or capacity planning is progressing cannot by itself establish the quality of the procedure experienced by an individual applicant.

The EUAA supplies greater operational depth in the fields of asylum and reception, where screening is not a single administrative event but a sequence of handovers involving registration, biometric enrolment, security checks, preliminary health assessment, vulnerability identification, information provision and referral. The relevant question is therefore not merely whether each function exists but whether the resulting information can move through the procedure without losing substantive responsibility, as illustrated by a vulnerability indication that reaches a case-management system without triggering the appropriate service.[13]

For its part, eu-LISA examines a different layer, since central services and national interfaces must exchange information reliably, securely and at sufficient scale, while the Eurodac and interoperability architecture creates dependencies between central technical availability and national implementation. Central availability does not, however, establish national end-to-end functionality. Member States must procure and deploy appropriate devices, adapt national access points, determine authorised users, configure workflows, train personnel and establish fallback procedures, while a technically successful response can still be used incorrectly if an official attributes legal significance to a possible match that the underlying data do not support.[14]

Frontex evidence is relevant both operationally and institutionally because risk analysis and operational support can assist Member States in responding to changing routes and pressure, while joint operations complicate the attribution of responsibility where national authorities, agency personnel and shared information systems contribute to the same sequence. Scholarship on responsibility in multi-actor situations and on the accountability of Union asylum agencies reinforces the need to ensure that operational cooperation does not make it more difficult for the affected person, a monitoring body or a court to identify the authority responsible for a particular decision or action.[15]

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[13] Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum; EUAA, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

[14] Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on eu-LISA; Regulations (EU) 2019/817 and 2019/818; Regulation (EU) 2024/1358.

[15] E. TSOURDI, *Holding the European Asylum Support Office Accountable for its Role in Asylum Decision-Making: Mission Impossible?*, in *German Law Journal*, 2020, no. 3, pp. 506-531; M. FINK, *Frontex and Human Rights: Responsibility in 'Multi-Actor Situations' under the ECHR and EU Public Liability Law*,

Finally, the FRA approaches readiness from another direction, using independent monitoring, effective access to procedures, legal assistance, confinement, data accuracy and remedies to test whether safeguards exist as usable mechanisms rather than formal designations. This perspective is especially relevant during the first operational stages because control mechanisms and safeguards do not necessarily follow the same timetable. Registration infrastructure and information systems can be organised through central projects with fixed technical launch dates, whereas monitoring bodies, legal-aid systems and judicial arrangements depend upon national institutions with different resources and preparatory cycles.[16]

The interaction among these perspectives provides the methodological basis for the national comparison that follows, since a Member State may demonstrate substantial readiness in one dimension while remaining incomplete in another; rather than collapsing those findings into a single conclusion that a state is or is not 'ready', the analysis therefore examines where the different components of the operational chain converge and where their sequencing generates gaps.

4. Early implementation in Spain, Lithuania and Bulgaria

The comparison now turns from the common implementation framework to its operation across three contrasting external-border environments. The purpose is to examine how the same requirements – legal preparation, adequate capacity, interoperable information systems, reception and staffing, legal counselling and independent monitoring – interact with different geographical, administrative and security conditions without intending to establish any hierarchy of national performance.

The evidence available during the first operational months does not support a binary distinction between Member States that were "ready" and those that were not. Spain, Lithuania and Bulgaria had all undertaken substantial implementation measures before June 2026, yet the nature and location of the remaining gaps differed. The comparison is therefore organised around common implementation requirements rather than through three self-contained country studies.

4.1. Legal and administrative preparation

National legislation provides the first illustration of why implementation readiness cannot be reduced to a binary category, since the Pact combines directly applicable regulations with a directive requiring transposition and multiple points at which Union

Oxford, 2018. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard; European Border and Coast Guard Agency, annual risk analysis and operational material concerning the Western Mediterranean, Eastern Mediterranean and eastern land-border routes.

[16] European Union Agency for Fundamental Rights, Migration and Fundamental Rights Bulletin, No 2/2026, 2026; Regulation (EU) 2024/1356, Art. 10.

rules depend upon national procedural, organisational and judicial arrangements; administrative preparation may therefore advance before every legislative dependency has been completed.

Spain entered the implementation period with an established asylum, immigration and border-management framework, but adaptation to the Pact required changes across several areas, including procedure, legal assistance, biometric registration, judicial review and independent monitoring. Its National Implementation Plan identified the necessary legislative and institutional adjustments and was accompanied by preparations concerning screening locations, standard operating procedures and digital case management, while the Commission's May 2026 assessment nevertheless continued to identify outstanding national measures, including aspects related to legal counselling. The evidence therefore supports a finding of advanced preparation rather than a conclusion that every national legal dependency had been completed and tested by the application date.[17]

For its part, Lithuania presents a more visible separation between administrative and legislative readiness, because advance planning, funding, notification of relevant locations, development of state-guaranteed legal counselling and modernisation of the national migration information system, MIGRIS, progressed while the principal legislative package implementing elements of the Pact was introduced in the Seimas only on 23 June 2026, after the general application date. Administrative preparation and legal incompleteness therefore coexisted.[18]

This temporal discrepancy is analytically important because ministries may procure equipment, prepare workflows and train personnel under existing competences while legislation remains pending; although that does not necessarily render every preparatory activity unlawful, it creates uncertainty as to which workflows, competences or procedural rules may later require alteration and therefore shows why detailed planning and technological modernisation cannot be treated as substitutes for completed legal implementation.

Finally, Bulgaria had likewise adopted an implementation plan and advanced relevant administrative and technical measures, although available reporting indicated that aspects of national implementation, including elements associated with procedures and Eurodac, remained incomplete. As in Spain and Lithuania, the adoption of an NIP should therefore not be equated with completion of every measure on which operation

[17] Spanish Ministry of the Interior, *Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo*, December 2024; European Commission, *Third report on progress in implementing the Pact on Migration and Asylum*, COM(2026) 196 final, 8 May 2026, country-specific findings concerning national legislation and legal counselling.

[18] Lithuanian Minister of the Interior and Minister of Social Security and Labour, Order No 1V-742/A1-895 of 10 December 2024, Dėl Europos Sąjungos Migracijos ir prieglobsčio pakto nacionalinio įgyvendinimo plano patvirtinimo [approving the National Implementation Plan for the EU Pact on Migration and Asylum]; Seimas of the Republic of Lithuania, Draft Law No XVP-1636 and associated Pact implementation package, registered 12 June 2026 and presented on 23 June 2026.

depends, since national implementation plans coordinate action but cannot replace legislation where a legislative basis is required.[19]

The three cases therefore display different forms of legal incompleteness. Spain was adapting an already developed national framework; Lithuania combined extensive administrative preparation with a particularly visible delay in primary legislation; Bulgaria combined an adopted implementation programme with remaining national legal and administrative dependencies. The comparison shows why terms such as "on track" or "prepared" require specification. They can describe meaningful progress without establishing that the complete national legal framework was operational in every relevant respect.

The broader implication concerns sequencing, since late legal change does not remain confined to the legislative sphere but can affect administrative protocols, software configuration, procurement specifications, staff training and judicial preparation; legal readiness is therefore not simply one implementation category alongside others, but a condition capable of determining whether several later components have been designed against stable rules.

4.2. Border procedures and adequate capacity

The concept of adequate capacity brings legal obligation, infrastructure and geography together. Member States must be able to conduct the procedures envisaged by the Pact, but nominal numbers alone cannot demonstrate operational capacity. Facilities must exist at relevant locations and must be supported by personnel, interpretation, health and vulnerability services, legal assistance and access to effective review.

By May 2026, Spain, Lithuania and Bulgaria had notified relevant screening or border-procedure locations and had advanced procedural preparation and training, although their capacity profiles differed substantially.[20]

Spain remained among the Member States requiring urgent work concerning adequate capacity, a difficulty that cannot be understood exclusively through a national aggregate because Spanish external-border implementation is geographically dispersed across western Mediterranean maritime routes, the Canary Islands and the land borders of Ceuta and Melilla. Capacity located on the mainland is not automatically available where a sudden increase in arrivals occurs on an island or at one of the autonomous cities, while transfers, although capable of relieving local pressure, themselves require transport, reception places, information exchange and continuity of access to legal and social services.[21]

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[19] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, May 2026, sections on implementation and procedural guarantees; European Commission, COM(2026) 196 final, *op. cit.*

[20] European Commission, COM(2026) 196 final, *op. cit.*, especially the country-specific findings on screening locations, training and adequate capacity.

[21] Spanish Ministry of the Interior, *Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning adequate capacity and operational preparation.

The Spanish case therefore illustrates a distinction between aggregate capacity and operationally situated capacity. A national system may possess substantial resources and nevertheless experience a local implementation gap if the relevant services cannot be deployed where the procedure is taking place. This is particularly significant in a border system affected by route volatility. Infrastructure planned on the basis of recent arrival patterns may become inadequate if maritime or Atlantic routes shift rapidly.

Lithuania, for its part, had been assessed more favourably in relation to adequate capacity. Its land-border environment permits a more stable identification of relevant operational locations than Spain's dispersed maritime and island settings. Yet geographical concentration does not remove implementation risk. The Belarus border has operated within a security environment involving restricted access and measures adopted in response to alleged instrumentalisation of migration. Capacity must therefore be assessed not only by the existence of places but also by whether lawyers, monitors, interpreters, asylum authorities and other necessary actors can obtain practical access during the circumstances for which the capacity is intended.

A facility cannot be treated as fully operational merely because it can physically accommodate the required number of persons, since security restrictions that prevent effective access by procedural or monitoring actors may cause material capacity and legal capacity to diverge.

Bulgaria, like Spain, continued to face significant adequate-capacity challenges. Delays involving construction or refurbishment affected the material conditions in which border procedures were expected to operate. This type of gap is particularly resistant to rapid correction. Legislation can be enacted or an administrative instruction amended within a relatively short period. Construction, procurement and refurbishment involve sequential stages of design, tendering, delivery, installation and acceptance.

The Bulgarian case demonstrates why technical preparation cannot compensate for incomplete material infrastructure. Officials may be trained and an information system may be operational, but neither measure creates reception places or appropriate procedural facilities. Where digital and administrative routing functions more rapidly than the material system can absorb cases, the result may be greater rather than lesser pressure on reception and procedural services.

Across the three cases, adequate capacity should therefore be understood qualitatively as well as quantitatively. The relevant question is not simply how many persons a Member State can accommodate. It is how many persons can undergo the required procedure, at the relevant location, with appropriate reception conditions, healthcare, vulnerability assessment, interpretation, legal assistance, trained decision-makers and effective review.

This qualitative conception also changes the evidentiary standard. A notification of a location is evidence of formal preparation, the completion of facilities and staffing constitutes stronger evidence of operation, and effective capacity can be demonstrated only when those components function together under actual or realistically simulated pressure.

4.3. Eurodac, national case management and interoperability

Information systems were among the most visible and measurable elements of Pact implementation. The transformed Eurodac system and the wider interoperability architecture require Member States to connect national authorities, biometric collection and case-management processes with the common European infrastructure. Spain, Lithuania and Bulgaria had all made significant progress in this area before the application date.

The evidence nevertheless demonstrates why technical compliance should not be used as a proxy for implementation as a whole. Successful testing establishes that a national component can communicate with the central infrastructure under specified conditions. It does not establish that data will always be collected accurately at the border, associated with the correct person and procedural status, used by properly authorised officials or corrected effectively if inaccurate.

Spain's digital preparation formed part of a wider effort to adapt case-management and border procedures to the Pact. Its experience highlights the relationship between central technical readiness and geographically dispersed national operation. Equipment and trained personnel must be available across operationally different border settings, while information created at one location may need to accompany a person transferred elsewhere. The implementation issue is therefore not only connectivity but continuity because the procedural meaning of the information must remain intelligible as a case moves between authorities and locations.

Lithuania's modernisation of MIGRIS provides the clearest example of a national system being adapted to the new architecture. Its implementation raises four related questions. The first is whether the system can exchange the required information with Eurodac and the relevant interoperability components. The second is whether access rights correspond to national legal competences. The third is whether the digital workflow reflects the applicable substantive and procedural law. The fourth is whether individuals can obtain meaningful access to and the correction of relevant data.

The distinction matters particularly where legislative change occurs late, because software does not merely store neutral information but frequently encodes procedural categories, institutional competences and sequences of action; if those legal assumptions change after the system has been designed, technical reconfiguration may become necessary, so that what originates as a legislative delay can become an organisational and technological implementation problem.

Bulgaria offers the reverse configuration. Technical preparation and training relating to Eurodac appeared relatively advanced while material and capacity-related difficulties remained. The contrast demonstrates that a functioning information system can coexist with weaknesses elsewhere in the procedural chain. Digital readiness may make those weaknesses more visible by producing prompt and standardised case records, but it does not resolve them.

Indeed, increased processing speed can expose downstream shortages more rapidly. If registration and digital referral operate efficiently while reception space, decision-makers, lawyers or interpreters remain insufficient, interoperability accelerates the movement of cases towards a bottleneck. In that situation, the digital system is not the original cause of the shortage, but it can increase the speed at which its consequences become operationally significant.

The comparative evidence therefore supports a concept of technological dependency rather than technological determinism. Eurodac, interoperability components and national case-management systems are necessary infrastructure for the Pact's operational model, but their importance does not mean that implementation difficulties are principally technological in origin.

The appropriate assessment must therefore distinguish three related questions. The first is whether the infrastructure functions technically. The second is whether its use corresponds to the applicable legal and institutional competences. The third is whether the administrative and material services receiving its outputs can act effectively upon them. Technical functionality is necessary, but a positive answer to the first question cannot substitute for the remaining two.[22]

Technical functionality, then, cannot establish overall readiness by itself. To determine whether digital preparation can support the procedure in practice, the comparison must also consider the reception and staffing structures that receive and act upon digital outputs.

4.4. Reception, staffing and procedural support

Reception and staffing provide a further example of interdependence because they determine whether accelerated procedures remain capable of individualised application. The Pact places substantial demands upon border officials, asylum caseworkers, health professionals, interpreters, lawyers, reception personnel and judges, often within compressed procedural time limits.

Spain illustrates the relationship between staffing, reception and geographical distribution, since adjustments to reception capacity in response to lower arrivals may constitute rational short-term resource management while nevertheless creating an implementation risk if capacity cannot be restored rapidly when routes change. In the Atlantic context, national availability does not necessarily correspond to immediate capacity in the Canary Islands, and comparable problems arise where specialist personnel, interpretation or legal services are concentrated away from the location experiencing pressure.

The Spanish example accordingly reinforces the distinction between nominal and usable capacity. A reception place elsewhere in the national system can ultimately relieve

[22] European Commission, *Third report on progress in implementing the Pact on Migration and Asylum*, COM(2026) 196 final, 8 May 2026, country-specific findings on Eurodac and national implementation; Regulation (EU) 2024/1358, *op. cit.*; Regulations (EU) 2019/817 and 2019/818, *op. cit.*

pressure, but it may not satisfy the immediate operational requirements of a procedure taking place at a remote or insular border.

Lithuania reported a comparatively stronger formal position concerning reception and state-guaranteed legal counselling, yet formal entitlement does not establish the practical availability of a professional at the moment when assistance is required, a distinction that is particularly important in accelerated and border procedures where delay can remove the practical value of the safeguard.[23]

The relevant indicators are therefore qualitative and temporal. They include not only whether a legal-aid scheme exists but whether counsel is accessible before a decisive interview or appeal, whether interpretation is available, whether communication can take place confidentially and whether security restrictions permit access to the relevant location.

Bulgaria's material difficulties make the connection between reception and procedure still more direct, because delays in construction or refurbishment mean that administrative and technological preparation may precede the physical environment required to operate the procedure appropriately. Available evidence during the early implementation period did not justify a general conclusion that the Bulgarian reception system was ineffective, but it did support the narrower finding that some material components remained incomplete or that their effective operation could not yet be publicly verified.[24]

Staffing creates comparable problems across all three cases because training statistics, while relevant, are insufficient. A trained official may still operate under excessive workload, whereas a nominally sufficient staffing level may conceal turnover, geographical mismatch or shortages of specialised expertise. Border procedures therefore require more than headcount and depend upon the availability of professionals with appropriate legal, linguistic, medical and procedural competence within the applicable time limits.

This is particularly significant for vulnerability identification. Screening can provide an initial opportunity to identify health needs, disability, trafficking indicators, age-related issues or other vulnerabilities, but not every need will be apparent at first encounter. An accelerated system therefore requires both early detection and the ability to update the procedural response when new information emerges.

Reception and staffing should consequently be treated as part of procedural legality rather than as background logistics. A procedure that formally satisfies a decision deadline may still function inadequately if the speed achieved depends upon insufficient interpretation, reduced access to legal support or inability to identify individual circumstances.

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[23] European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning Lithuania; see also EUAA, *National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum*, Situational Update No 25, March 2026.

[24] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning reception infrastructure and adequate capacity.

Reception and staffing therefore lead directly to the safeguards attached to the procedure. Their practical availability determines whether legal counselling, vulnerability identification and monitoring can operate when they are needed, rather than functioning as protections that exist only formally or become available after the decisive procedural stage.

4.5. Legal counselling, monitoring and safeguards

The implementation of safeguards provides the clearest test of the distinction between formal provision and effective operation. The Pact contains requirements concerning information, legal counselling, vulnerability, monitoring and access to remedies, but those protections depend upon national institutions whose implementation cycles may differ from those governing central information systems or border infrastructure.

The three states had taken steps to establish legal-counselling and monitoring arrangements, although their institutional models differed. Lithuania relied upon state-guaranteed legal counselling, Bulgaria involved the National Legal Aid Bureau, while Spain continued to require adjustments in aspects of the national framework relating to legal counselling.[25]

Institutional form alone does not establish effectiveness, since publicly organised legal assistance may offer stable financing while still facing capacity constraints, contracted lawyers may provide specialist knowledge without continuous physical presence, and remote counselling may expand geographical coverage while creating difficulties of privacy, interpretation or access to documents. The appropriate implementation question is therefore functional, whether an individual can obtain meaningful legal assistance at the point at which it can still affect the procedure.

Independent monitoring raises the same problem because legal designation, although an essential first step, does not establish practical capacity, which depends upon mandate, staffing, funding, methodology, access to relevant locations and records, the possibility of conducting unannounced visits, cooperation with other actors and the ability to publish and follow up findings.

The operational burden of monitoring also varies according to the national setting. In Spain, effective monitoring must account for maritime disembarkation, island locations and the land borders of Ceuta and Melilla. In Lithuania, it must remain capable of functioning where security measures restrict ordinary access to the Belarus frontier. In Bulgaria, it must operate in a border environment characterised by extensive surveillance activity, operational cooperation with Frontex and recurrent allegations by civil-society and monitoring actors concerning informal returns or ill-treatment.

The existence of different operational environments means that uniform legal designation can conceal significantly different implementation demands. An ombudsman

[25] Regulation (EU) 2024/1348, *op. cit.*, Arts 16-18; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning Spain, Lithuania and Bulgaria.

institution or equivalent body may possess formal independence while still requiring additional staff, specialised methodology or access protocols to perform border monitoring effectively.

The available evidence during the first implementation period therefore supports a cautious conclusion. Monitoring arrangements were legally or administratively provided for in all three cases and implementation was underway, but equivalent effective functioning could not yet be established. This does not justify presuming that the mechanisms were ineffective. It reflects instead the short period of operation, uneven evidence concerning resources and access, and the still limited body of findings published under the new framework.[26]

The comparison also reveals a wider sequencing issue. Registration systems, screening arrangements and case-routing infrastructure can become operational as soon as authorities, technical components and locations are ready. Monitoring cannot retrospectively observe encounters that took place before it possessed the necessary mandate, personnel or access. Similarly, legal assistance that becomes available only after a decisive procedural stage cannot fully repair the earlier absence of support.

Safeguards should therefore be evaluated by the same operational standard applied to control infrastructure. A monitoring body should not be considered fully implemented merely because it has been designated, just as an information system would not be considered fully operational merely because its legal basis exists. Effective implementation requires that the safeguard can actually perform its intended function at the time and place where the corresponding exercise of public power occurs.

4.6. Comparative findings

The three cases reveal different configurations of incompleteness rather than a single model of implementation failure. Spain combines geographical mismatch, capacity pressure and unfinished safeguards; Lithuania combines extensive administrative and digital preparation with important legislative dependencies and a security-conditioned border environment; and Bulgaria shows how technical preparation can advance ahead of material capacity.

Despite those differences, the comparison points to three common features. Implementation is multidimensional because legal, material, professional and technological readiness develop at different speeds. It is also relational because the significance of a gap depends upon the effects it produces elsewhere in the operational sequence. Finally, it is geographically conditioned because common obligations operate through different locations, access conditions and patterns of pressure.

Taken together, these common features allow the comparison to move from description to explanation. Section 5 therefore examines the implementation chains

[26] European Union Agency for Fundamental Rights, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*, sections on independent monitoring mechanisms; Regulation (EU) 2024/1356, *op. cit.*, Art. 10.

through which difficulties identified in the national cases acquire consequences across legal, institutional, material, professional and technological dimensions.

5. From national gaps to implementation chains

The national comparison shows that implementation difficulties rarely remain confined to the field in which they first appear, since a legislative delay can affect administrative workflows, procurement, training and digital configuration, while a shortage of reception capacity can increase staff pressure, extend confinement and reduce practical access to legal assistance, and an inaccurate record can move through several information systems and influence decisions taken by authorities that did not create the original data. The relevant unit of analysis is therefore not simply the individual gap, but the implementation chain through which its consequences develop.

This section draws the comparative findings together through four clusters. The first concerns legal and institutional sequencing. The second concerns material and professional capacity. The third concerns operational and digital dependency, while the fourth addresses safeguards and accountability. These categories identify the principal origin of a difficulty without assuming that each problem has a single cause. Their analytical value lies in showing how deficiencies move between dimensions and how interventions at different points may prevent, contain or remedy their effects.

5.1. Legal and institutional sequencing

The first implementation chain begins with the interaction between legal readiness and administrative organisation, because the Pact combines directly applicable Union rules with national legislation, institutional competences and procedural arrangements; late national adaptation therefore does more than postpone formal compliance, as it compresses the period in which authorities can stabilise workflows, allocate responsibilities, configure systems, train personnel and prepare judicial review.[27]

Lithuania provides the clearest example in the comparison, since administrative planning and digital development advanced while the principal legislative package remained pending beyond the general application date; the significance of that delay is not confined to the legal status of the legislation itself, because where competence, procedural routing or applicable safeguards remain subject to change, administrative systems developed in advance may require subsequent revision.

This is particularly important where legal rules are incorporated into digital workflows. A case-management system can assist officials in determining which procedure applies, which authority should receive a case, and which deadlines must be followed. It cannot, however, settle unresolved legal interpretation. If one interpretation

[27] European Commission, COM(2026) 196 final, *op. cit.*; Regulation (EU) 2024/1356, *op. cit.*; Regulation (EU) 2024/1348, *op. cit.*

is encoded before the legislative framework has stabilised, the software may reproduce that interpretation consistently and at scale. Subsequent legal correction then becomes a technological and organisational task as well as a normative one.

The same issue arises even where primary legislation is substantially complete. The Pact's pre-entry and border architecture crosses authorities that were not necessarily designed to operate as one administration. Border guards or police may undertake initial identification and security checks; health professionals conduct preliminary assessments; asylum authorities determine procedural routing; reception bodies provide accommodation; return authorities act following rejection; and courts review decisions taken at different stages.

Information transfer between these actors does not establish institutional coordination because each handover contains a substantive question of responsibility. A vulnerability indication must reach an authority capable of acting upon it. A biometric match must be interpreted by an official competent to assess its legal relevance. A negative decision entering a return process must remain connected to information concerning remedies and any suspensive effect. An individual can therefore be successfully recorded in several administrative systems while still experiencing an implementation failure if no institution effectively owns the transition between them.

The three national environments create different versions of this organisational problem. Spain must coordinate national authorities with geographically dispersed border and reception settings and, where relevant, regional services. Lithuania's more geographically concentrated external border reduces some forms of dispersion but increases the importance of protocols governing access in a security-restricted environment. Bulgaria combines national border and asylum structures with reception services, legal-aid arrangements and significant Frontex involvement.

The common implementation question is consequently not how many authorities participate, but whether the allocation of responsibility remains visible at the moments when one process becomes another.

This suggests a more demanding form of readiness testing. Institutional arrangements should be assessed not only through organograms, protocols or formal designations but through end-to-end scenarios. A meaningful test would follow, for example, a person requiring urgent healthcare, a possible unaccompanied child, an applicant with an earlier Eurodac record, or a person receiving a negative border decision. The relevant questions are whether the necessary information reaches each actor, whether responsibility for the next action is clear, whether deadlines remain legally correct and whether the handover is recorded in a way that permits subsequent review.

Organisational interoperability is therefore a substantive condition of implementation. Technical systems may facilitate handovers, but they cannot determine which institution must act, what legal standard applies or who remains accountable where several authorities contribute to the same procedural sequence.

5.2. Material and professional capacity

A second implementation chain begins with material and professional capacity, because adequate capacity is not simply a numerical threshold but a combination of infrastructure, services and specialist availability at the relevant location.

Spain, Lithuania and Bulgaria demonstrate different versions of the same problem. Resources must be geographically available, material infrastructure cannot be created instantly, and formally available capacity must remain accessible to lawyers, monitors and the other professionals necessary to make the procedure lawful.

Material shortages therefore extend beyond accommodation, increasing workload, delaying procedures and placing additional pressure on health, interpretation and legal services, so that an infrastructure deficit can acquire procedural and rights-related consequences.

Staffing problems display the same multiplier effect because screening and border procedures require specialised professional judgment within short time limits. Border officials must be capable of recognising an intention to seek protection even where it is expressed informally. Health professionals must distinguish immediate medical needs from vulnerabilities requiring further examination. Asylum officers must assess evidence and credibility without replacing individual assessment with categorical assumptions, while interpreters and lawyers must be available while their assistance can still influence the procedure.[28]

Training is indispensable but does not itself establish professional capacity, which also depends upon staffing levels, geographical availability, the retention of expertise and performance under operational pressure.

Accelerated procedures make this qualitative dimension particularly important because shorter time limits move evidentiary, interpretative and legal-support needs towards the beginning of the process.

Staff shortages can therefore produce non-linear effects, as increasing workloads may reduce interview quality, postpone vulnerability assessment, restrict time for individual explanation and create incentives to rely upon easily available indicators such as nationality, documentary status or database results; although technology may reduce repetitive tasks and facilitate information retrieval, it cannot substitute for professional judgment where credibility, vulnerability, the best interests of the child or risk of refoulement must be assessed individually.

Judicial capacity forms part of the same chain, since accelerated procedures require courts and registries to handle urgent applications, relevant files, interpretation and interim measures within correspondingly compressed timeframes.

[28] EUAA, *National Implementation Plans*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*; Regulation (EU) 2024/1348, *op. cit.*, provisions on personal interviews, minors and applicants in need of special procedural guarantees.

Geography affects these safeguards as much as reception. Remote or restricted border locations may make legal assistance practically less accessible unless confidentiality, interpretation, access to documents and sufficient time are secured.

Material and professional readiness should therefore be assessed together, since infrastructure without appropriately available professionals cannot deliver the procedure and professional preparation cannot make inadequate material conditions lawful.

5.3. Operational and digital dependency

The third implementation chain concerns digital dependency. Information systems are indispensable to the Pact, but the comparative evidence does not identify them as the principal origin of most early implementation difficulties.

Eurodac and national case-management systems depend upon conditions established before information reaches the database, including equipment, connectivity, user competence, interpretation and the legal judgment applied to any resulting match.

Interoperability nevertheless changes the consequences of error because inaccurate information can be relied upon by several authorities and affect multiple later decisions.

The implementation problem should therefore be distinguished among different mechanisms of error. A capture error arises when biometric or alphanumeric information is recorded incorrectly. A matching error occurs where the system produces an incorrect or uncertain association. An interpretive error arises where an official gives the result greater evidentiary significance than it supports. A propagation error occurs where inaccurate information, or a correction to it, fails to move appropriately across the systems and procedures relying upon the record. This distinction is consistent with scholarship stressing the importance of provenance, user practices, confidence and correction in interoperable migration databases.[29]

The distinction among the error mechanisms matters because technical, professional and organisational failures require different remedies, while correction must be capable of reaching every system or procedure that relied upon the original information.

Technology can therefore operate as a direct contributing factor, an indirect amplifier or a contextual element, depending upon the specific mechanism through which it affects implementation.

The classification should be applied to the mechanism rather than to the policy field as a whole. Inadequate reception remains a material difficulty even if digital routing exposes it more quickly. Failed readmission remains an external constraint even if identity data support the request.

[29] N. VAVOULA, *Immigration and Privacy in the Law of the European Union: The Case of Information Systems*, Leiden, 2022; M. LEESE, *Benchmarking and Provenance: The Politics of Data Trust in EU Internal Security*, in *International Political Sociology*, 2026, vol. 20, no. 1; C. BLASI CASAGRAN, *Fundamental Rights Implications of Interconnecting Migration and Policing Databases in the EU*, in *Human Rights Law Review*, 2021, vol. 21, no. 2, pp. 433-457.

Taken together, these distinctions avoid both technological determinism and the assumption that the information systems are institutionally neutral. They also show why digital performance cannot be assessed in isolation. Once information moves across authorities and procedures, the capacity to detect, contest and correct error becomes part of implementation itself, which leads directly to safeguards and accountability.

5.4. Safeguards and accountability

The fourth implementation chain concerns safeguards and accountability, which should not be treated as a retrospective stage added after legislation, infrastructure and technology because they influence the quality and legality of the procedure from its beginning.

Legal counselling, effective remedies, monitoring, data correction and complaints mechanisms can prevent or contain errors as well as provide redress after they occur.

Independent monitoring offers a clear example because, where encounters, registration decisions, query logs and institutional handovers are documented and capable of independent examination, accountability can improve institutional behaviour before a complaint is made; conversely, if monitoring becomes operational only after the control architecture has begun functioning, relevant evidence may already be unavailable by the time a problem is investigated.[30]

Legal assistance illustrates the same temporal requirement, since a remedy may lose practical effectiveness if support was unavailable before the decisive procedural step or if the information underlying the decision cannot be accessed and challenged.

Interoperable systems intensify this requirement because effective review may depend upon identifying the origin, use and subsequent correction of information that travelled across several authorities or procedures.

Control information may travel across national authorities, Union systems and agency-supported operations while responsibility remains divided among several accountability bodies, producing an asymmetry between administrative and accountability interoperability.

Accountability interoperability does not require those bodies to be merged, but practical arrangements must allow their functions to connect where the underlying administrative action crossed institutional boundaries.

Accountability must operate at individual, systemic and managerial levels. At the individual level, it requires reasons, complaints mechanisms, correction and judicial review. At the systemic level, it requires the capacity to identify recurring defects. At the managerial level, those findings must be capable of producing changes in training, staffing, software or procedure.

[30] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*, sections on independent monitoring mechanisms.

These levels are complementary. Systemic oversight cannot replace relief to an affected person, while an individual remedy alone may leave the structural cause of repeated errors untouched.

Joint operations make the problem particularly visible because a national authority may take the formal decision, Frontex personnel may support the operational encounter, eu-LISA may operate a central information-system component and another Member State may have generated the underlying record; effective accountability cannot reasonably require the affected individual first to reconstruct that institutional architecture. The multi-actor literature on EU asylum and border administration is particularly relevant to this allocation problem.[31]

The implementation objective is therefore to preserve traceability across the chain. It must remain possible to identify who produced the information, who relied upon it, what legal significance was attributed to it and how any later correction reached the subsequent decisions that depended upon it.

Safeguards should accordingly be understood as part of effective administration rather than as obstacles to it, since correction, legal assistance and monitoring can improve data quality, decision-making and institutional learning.

Safeguards are therefore not a separate final category of implementation. Because they can prevent, contain and correct problems generated elsewhere in the operational sequence, they form part of the same implementation chain and must be assessed in relation to the speed and reach of administrative control.

5.5. Interaction among implementation difficulties

The four clusters can be reassembled into implementation chains by examining how an initial difficulty changes character as it moves through the operational sequence.

Late legislation illustrates the point. A problem that is initially legal may become organisational where authorities cannot finalise handovers, financial where procurement specifications remain unstable, professional where training relies on provisional rules, judicial where courts receive disputes without settled national procedures, and technological where software has already encoded an interpretation that later requires amendment. Technology may therefore reproduce or prolong the effects of the delay without being its original cause.

Adequate capacity produces a different chain. A shortage or geographical mismatch can increase workloads, prolong stays in border facilities and weaken access to interpretation, lawyers or vulnerability services, while rapid digital routing may expose the bottleneck more quickly without creating it. Data quality is similarly composite. Biometric capture depends upon equipment and user competence, alphanumeric data depend upon language and interpretation, and the legal significance of a match depends upon administrative judgment.

[31] M. FINK, *Frontex and Human Rights*, *op. cit.*; E. TSOURDI, *Holding the European Asylum Support Office Accountable*, *op. cit.*; Regulation (EU) 2019/1896, *op. cit.*

These examples show why remediation should identify both the earliest modifiable contributor and the downstream consequences already produced. Prevention, containment and redress address different points in the same chain, and implementation assessment should therefore favour end-to-end testing over the isolated certification of individual components.

Readiness is consequently relational. A highly available information system cannot compensate for unclear legal rules. Rapid registration cannot compensate for unavailable reception. A vulnerability flag cannot protect an applicant if no appropriate service responds, and a judicial remedy cannot operate effectively where the information that influenced the decision cannot be traced. The Pact should therefore be assessed as a connected administrative process rather than as a set of building blocks capable of independent certification.

The interaction examined in Section 5 explains how implementation difficulties can travel across legal, material, professional and digital dimensions. Interoperability now requires separate examination, not because technology displaces those other causes, but because connectivity can extend their effects beyond the institution or procedural stage in which they first arose.

6. Interoperability as infrastructure and risk amplifier

The previous section established that technology may enter an implementation chain at different points and with different causal significance. Interoperability requires separate attention because it is neither an autonomous policy objective nor a neutral technical background. It enables information to move across procedures and authorities while increasing dependency upon the accuracy, legality and interpretability of the information exchanged.

The transformed Eurodac Regulation illustrates this dual function, since Eurodac no longer operates only as a fingerprint-based instrument linked principally to responsibility allocation; its scope is broader, its data environment more extensive and its interaction with the European interoperability architecture places it within a system of shared search, identity and biometric components.[32]

The architecture can improve identification, reduce duplicate registration and support continuity between screening, asylum procedures and later administrative stages, but the same connectivity also means that interruption, inaccurate data or misunderstood results can affect several procedures at once.

This is especially important because interoperability does not eliminate the distinct legal purposes and access conditions of the underlying systems. Shared search and matching functions may increase the practical proximity of data originally collected

[32] Regulation (EU) 2024/1358 on the establishment of Eurodac, especially Arts 1-3 and 14-26.

under different legal regimes, but they do not remove purpose limitation, access restrictions or the need to establish the lawful significance of a particular result.[33]

The implementation challenge is therefore not simply whether a query can be made, but whether access is lawful, the result traceable to its source, uncertainty preserved and correction capable of reaching every procedure that relied upon the information.

6.1. Error propagation and correction

Interoperability magnifies the institutional consequences of administrative error because a record generated during screening may influence several later procedures and be relied upon by authorities that did not create it.

As identified in Section 5, at least four mechanisms should be distinguished – capture, matching, interpretation and propagation – because technical accuracy alone cannot address all four and each requires a different combination of technical, administrative and legal safeguards.[34]

A biometric system may process an input correctly while the underlying identity information is inaccurate; a reliable match may then be misinterpreted, or a corrected national record may continue to influence another procedure if the correction does not propagate across the administrative chain.

The problem is especially acute where disputed or provisional attributes such as age, identity, nationality or procedural status are represented as settled facts, since downstream users may then treat administrative uncertainty as certainty.

Correction and auditability must therefore form part of the operational architecture. An affected person should not have to identify every authority that relied upon an inaccurate record before the correction can become effective. Such review must also allow competent bodies to establish who entered, accessed and used the information and what consequences followed from that use.

6.2. Dependency rather than technological causation

Many early implementation difficulties do not originate in information systems. Late legislation is legal in origin, inadequate reception is material, professional shortages are organisational, and readmission problems may depend upon relations with third countries. Technology becomes relevant where it changes the speed, scale or persistence of those weaknesses.

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[33] Regulations (EU) 2019/817 and 2019/818, *op. cit.*, provisions establishing the European Search Portal, shared Biometric Matching Service, Common Identity Repository and Multiple-Identity Detector; Regulation (EU) 2024/1358, *op. cit.*; E. BROUWER, *Large-Scale Databases and Interoperability in Migration and Border Policies: The Non-Discriminatory Approach of Data Protection*, in *European Public Law*, 2020, vol. 26, no. 1, pp. 71-92; C. BLASI CASAGRAN, *Fundamental Rights Implications*, *op. cit.*

[34] N. VAVOULA, *Immigration and Privacy*, *op. cit.*; M. LEESE, *Benchmarking and Provenance*, *op. cit.*; C. BLASI CASAGRAN, *Fundamental Rights Implications*, *op. cit.*

For implementation analysis, the appropriate question is therefore not whether a difficulty is technological in a general sense, but how technology participates in the causal chain. It contributes directly where equipment, connectivity, software or matching fails. It acts as an amplifier where digitalisation increases the speed, scale, permanence or institutional diffusion of a weakness originating elsewhere. It remains contextual where substantially the same difficulty would arise without digital infrastructure.

This distinction prevents digitalisation from becoming an undifferentiated explanation for implementation failure and directs remedies towards both the original weakness and any technological mechanism that has amplified it.

6.3. End-to-end implementation

Interoperability should therefore be tested end to end, from border collection through screening, Eurodac, case management, procedural routing, reception referral and later correction or review, including adverse scenarios such as poor connectivity, disputed identity, difficult biometric capture and system unavailability.

The aim is not to eliminate every administrative error but to ensure that error remains visible, traceable and correctable before it becomes embedded in subsequent decisions.

Interoperability is thus both an enabling infrastructure and an institutional stress test. Its value depends not only upon the speed with which information moves, but also upon whether the surrounding legal and administrative system can preserve accuracy, traceability and correction as information crosses institutional boundaries. Because greater connectivity increases the speed and institutional reach of administrative action, legal assistance, monitoring, correction and review must be capable of operating within the same temporal framework. This connection leads directly to the sequencing of safeguards examined in the following section.

7. Safeguards and the sequencing problem

The comparative evidence points to a final implementation difficulty. Control mechanisms and safeguards do not necessarily acquire operational capacity at the same institutional *tempo.*

The Pact does not create a legal architecture in which border control exists first and fundamental-rights safeguards are added later, since information, legal counselling, vulnerability assessment, access to remedies and independent monitoring form part of the implementation framework itself; the practical problem is instead that the institutions responsible for those safeguards do not necessarily become operational through the same

processes or according to the same timetable as screening, registration or central information systems.[35]

Control-oriented components often benefit from concentrated project structures and measurable launch events, whereas legal assistance, judicial protection, independent monitoring and data correction depend upon more dispersed national arrangements; formal simultaneity in the legal framework may therefore fail to produce functional simultaneity in practice.

Where screening and case-routing can operate from the first day while legal assistance or monitoring remains only partly functional, safeguards risk becoming retrospective because the institution capable of making the right effective is not yet available at the decisive moment.

This sequencing problem is particularly significant in accelerated and border procedures, where time itself becomes part of effectiveness. Legal assistance obtained after a decisive interview cannot fully replace assistance that should have been available beforehand. A monitoring body that later receives access cannot observe an encounter that occurred before its operational arrangements existed, while the correction of inaccurate information after removal or transfer may arrive too late to prevent the relevant harm.[36]

The appropriate standard is therefore functional equivalence. Speed, connectivity and administrative output should not be treated as evidence of completed implementation while mechanisms of contestation and correction remain merely formal.

This sequencing problem can be expressed as an asymmetry between administrative interoperability and accountability interoperability. The latter does not require supervisory bodies to be merged, but it does require separate mechanisms to be capable of reconstructing and reviewing an administrative chain that itself crosses institutional boundaries.

At the individual, systemic and managerial levels, accountability must connect reasons, access to information, complaints mechanisms, data correction and judicial review with the capacity to identify recurring patterns and translate findings into changes in training, staffing, software or procedure.

The difficulty is especially visible in joint operations and interoperable information environments, where a national authority may make the formal decision, Frontex may have supported the operational encounter, eu-LISA may operate the relevant central infrastructure and another Member State may have generated the record subsequently relied upon. The individual affected should not bear the burden of reconstructing this distribution of functions before obtaining an effective remedy.[37]

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[35] Regulation (EU) 2024/1356, *op. cit.*, Arts 9–12 and 13(6); Regulation (EU) 2024/1348, *op. cit.*, provisions on legal counselling, minors and applicants in need of special procedural guarantees; FRA, Migration and Fundamental Rights Bulletin, No 2/2026, *op. cit.*

[36] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*; G. CORNELISSE, M. RENEMAN, *Border Procedures*, *op. cit.*

[37] M. FINK, *Frontex and Human Rights*, *op. cit.*; E. TSOURDI, *Holding the European Asylum Support Office Accountable*, *op. cit.*; Regulation (EU) 2019/1896, *op. cit.*

Administrative effectiveness and rights protection should not be treated as inherently competing objectives, since accurate information, effective correction, independent monitoring and accessible remedies can improve both reliability and legitimacy.

The first operational stages examined in this article suggest that this asymmetry deserves continuing attention, since registration, information exchange and procedural routing have benefited from detailed operational planning and measurable implementation milestones, whereas safeguards, although incorporated into the legal framework, depend upon more dispersed national institutions and remain less easily captured by conventional readiness indicators.[38]

Future implementation assessment should therefore ask whether the mechanisms designed to identify, contest and correct error function at the same point in time and under the same operational pressures as the administrative procedures they supervise. This question brings the analysis back to the central issue of readiness and provides the basis for the conclusions that follow.

8. Conclusions

The first operational stages of the EU Pact on Migration and Asylum show that readiness at the external borders cannot be reduced to separate legislative, administrative or technical milestones. Across Spain, Lithuania and Bulgaria, legal preparation, material capacity, professional resources and digital infrastructure advance at different speeds, so formal provision, implementation underway, operation in practice and effective functioning must remain analytically distinct; the relevant unit of analysis is the implementation chain through which a difficulty originating in one field affects subsequent stages.

Nor does the comparison support an explanation centred on technological failure. Most recurring constraints arise from legislation, institutional coordination, adequate capacity, staffing and procedural support, while interoperability matters because it can alter their consequences by increasing speed, scale or institutional reach. Distinguishing technology as a direct contributing factor, an indirect amplifier or a contextual element allows remedies to address both the earliest modifiable cause and any downstream digital effects.

A further finding concerns sequencing. Legal counselling, vulnerability assessment, remedies, monitoring and data-protection guarantees belong to the same legal architecture as screening, registration and border procedures, yet they depend on more dispersed national institutions and may not become operational at the same pace as centrally managed technical components. In an interoperable environment, this functional asymmetry also becomes an accountability problem because information can

[38] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*; J.M. PORRAS RAMÍREZ, *La securitización de la política migratoria y de asilo de la Unión Europea*, in *Revista de Estudios Políticos*, 2024, no. 205, pp. 57-90.

cross national authorities, Union systems and agency-supported operations more easily than responsibility.

Geography remains equally important, since common Union requirements operate differently across dispersed maritime and island settings, security-conditioned land borders and south-eastern border environments; adequate capacity, staffing, monitoring and legal access must therefore be assessed where the procedure actually operates rather than solely through national aggregates. Because the evidence still concerns preparation and the first months of operation, these conclusions remain preliminary and should be tested against subsequent operational monitoring, judicial practice and adverse conditions.

The durability of the Pact will ultimately depend not only on whether border administrations become more connected and efficient, but on whether individual assessment, correction, legal protection and accountability become equally operational. Administrative interoperability should therefore be accompanied by accountability interoperability. Practical mechanisms of traceability, correction and review must be capable of reconstructing an administrative chain across institutional boundaries without merging the independent bodies responsible for oversight.

ABSTRACT: This article examines the first operational stages of the 2024 EU Pact on Migration and Asylum at the Union's external borders through a comparison of Spain, Lithuania and Bulgaria. Drawing on Commission reports, National Implementation Plans and material from the EUAA, eu-LISA, Frontex and the FRA, it distinguishes formal readiness from effective functioning. The findings show that early implementation gaps are mainly legal, institutional, material and professional, while interoperability can amplify their effects. The article also identifies a sequencing problem between connected administrative systems and fragmented safeguards, requiring effective traceability, correction and accountability mechanisms.

KEYWORDS: EU Pact on Migration and Asylum – external borders – implementation – interoperability – accountability.

IMPLEMENTING THE EU PACT AT THE EXTERNAL BORDERS: READINESS, INTEROPERABILITY AND SAFEGUARDS IN SPAIN, LITHUANIA AND BULGARIA

Mª Ángeles Cano Linares *

SUMMARY: 1. Introduction. – 2. Analytical framework and methodology. – 2.1. Assessing implementation beyond formal readiness. – 2.2. Sources, case selection and limitations. – 3. From legislative requirements to implementation evidence. – 3.1. The implementation architecture. – 3.2. Different institutional perspectives on readiness. – 4. Early implementation in Spain, Lithuania and Bulgaria. – 4.1. Legal and administrative preparation. – 4.2. Border procedures and adequate capacity. – 4.3. Eurodac, national case management and interoperability. – 4.4. Reception, staffing and procedural support. – 4.5. Legal counselling, monitoring and safeguards. – 4.6. Comparative findings. – 5. From national gaps to implementation chains. – 5.1. Legal and institutional sequencing. – 5.2. Material and professional capacity. – 5.3. Operational and digital dependency. – 5.4. Safeguards and accountability. – 5.5. Interaction among implementation difficulties. – 6. Interoperability as infrastructure and risk amplifier. – 6.1. Error propagation and correction. – 6.2. Dependency rather than technological causation. – 6.3. End-to-end implementation. – 7. Safeguards and the sequencing problem. – 8. Conclusions.

1. Introduction

The EU Pact on Migration and Asylum entered its decisive operational phase on 12 June 2026, when most of the legislative measures adopted in May 2024 became applicable after a two-year implementation period. This transition from legislative agreement to operation is particularly demanding at the Union's external borders because screening, biometric registration, asylum and return border procedures, adequate reception capacity, information systems, legal assistance and independent monitoring do not function as autonomous components. They form an interconnected administrative

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sequence in which the effective operation of each element frequently depends upon the timely and lawful functioning of several others.[1]

The Pact emerged from the broader programme presented by the European Commission in September 2020, which envisaged a comprehensive approach combining effective procedures, solidarity, protection of the right to asylum, returns, cooperation with third countries, legal pathways and integration.[2] Although the legislative settlement adopted in 2024 does not reproduce that political programme in every respect, the present study is concerned less with measuring fidelity to the original programme than with examining whether the operational architecture actually adopted can function coherently once its interdependent legal, administrative, material and technological requirements are applied at the external borders.

Implementation can easily be reduced to formally measurable milestones – legislation adopted, authorities designated, locations notified, systems connected, staff trained and capacity calculated – even though none of these measures, taken alone, establishes effective operation. Technical compliance may coexist with insufficiently trained users, a designated monitoring body with inadequate resources, or reception capacity located away from the point of demand; formal readiness must therefore be distinguished from effective implementation.

Against this background, the article asks what the first stages of implementation of the 2024 Pact reveal about readiness at the Union's external borders and how implementation difficulties interact across contrasting national settings, while also

[1] Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU; Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817; Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of Eurodac for the comparison of biometric data, identification of illegally staying third-country nationals and stateless persons and related law-enforcement access, amending Regulations (EU) 2018/1240 and (EU) 2019/818 and repealing Regulation (EU) No 603/2013; Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147; Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU; Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection; Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework and amending Regulation (EU) 2021/1147; Regulation (EU) 2024/1352 of the European Parliament and of the Council of 14 May 2024 amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders; Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure and amending Regulation (EU) 2021/1148, OJ L, 22 May 2024.

[2] European Commission, Communication on a New Pact on Migration and Asylum, COM(2020) 609 final, 23 September 2020, sections 2-8.

examining whether interoperability and digital systems are primary sources of difficulty or, rather, infrastructures capable of transmitting and amplifying weaknesses originating elsewhere.

The comparison focuses on Spain, Lithuania and Bulgaria, three cases selected for both evidentiary availability and analytical contrast. Spain combines Mediterranean, Atlantic, island and land-border environments; Lithuania represents a north-eastern land border shaped by security measures linked to movement from Belarus; and Bulgaria combines a south-eastern border with Türkiye, intensive border-management activity and significant reception requirements.

The analysis develops three connected findings. Early implementation difficulties are multidimensional and can travel across legal, institutional, material and professional stages; technological readiness is indispensable but cannot serve as a proxy for readiness of the system as a whole, since digital systems may amplify weaknesses originating elsewhere; and implementation presents a sequencing problem where registration, screening and information exchange become operational faster than the fragmented mechanisms of legal assistance, correction and independent monitoring intended to constrain them.

The argument develops in two stages. Sections 2 and 3 establish the analytical and evidentiary framework by defining readiness, delimiting the sources and explaining how the Pact's implementation architecture is assessed. Sections 4 and 5 then move from the comparison of Spain, Lithuania and Bulgaria to the implementation chains revealed by those cases. On that basis, Sections 6 and 7 examine the particular role of interoperability and the sequencing of safeguards. Section 8 draws together the implications for the first phase of implementation.

2. Analytical framework and methodology

This section establishes the analytical framework used to assess early implementation. It first clarifies the evidentiary meaning of readiness and the principal concepts used throughout the article. It then explains the source base, the selection of the three national cases and the temporal limitations of an assessment conducted during the first months of application.

2.1. Assessing implementation beyond formal readiness

Implementation of the Pact raises a methodological difficulty because 'readiness' may describe measures that are merely provided for, already operating, or functioning effectively under pressure. Treating these stages as equivalent would obscure the very gap between formal preparation and operational implementation that this article seeks to assess.

The analysis therefore distinguishes five evidentiary levels – formal provision, implementation underway, operation in practice, effective functioning, and remaining or unverifiable gaps. These are analytical rather than legislative categories, designed to prevent a designation, procurement contract or technical test from being treated as proof of an outcome that it cannot by itself establish.

Formal provision concerns the necessary legal or administrative basis; 'implementation underway' denotes measures whose framework exists but whose material, organisational or technical steps remain incomplete; 'operation in practice' requires evidence that the process is actually performed; and 'effective functioning' requires that it operates with the necessary capacity, professional support and legal safeguards. The final category records persistent or still unverifiable gaps.

At the external borders, these distinctions are particularly important. Notification of a location does not necessarily establish the availability of facilities, interpretation, healthcare or legal assistance. A Eurodac compliance test does not establish accurate collection, use and correction under sustained operation. Likewise, designation of a monitoring body does not necessarily establish adequate staffing, access or methodological independence.

For the purposes of this article, 'external-border implementation' is used as an analytical rather than autonomous legal category, referring to the combined operation, at or in direct connection with the Union's external borders, of screening and registration, asylum and return border procedures, reception and adequate capacity, interoperable information systems, operational support and the safeguards governing those activities. The expression is deliberately broader than the Schengen Borders Code concept of 'border control', which is legally defined as the activity carried out at a border in response exclusively to an intention to cross or the act of crossing it and consists of border checks and border surveillance; its function here is to identify the operational setting in which the Pact requires several legal and administrative systems to work together.[3]

A similar qualification applies to interoperability, which is used primarily to describe the legal and technical architecture established for authorised exchange, search, matching and identity management across relevant EU information systems, together with the national processes required to connect to and use that architecture. It does not imply that all databases have been merged into a single unrestricted system, since the underlying systems retain distinct purposes, legal bases, authorised users and access conditions even where common components facilitate queries or biometric matching.[4]

The analysis also uses 'organisational interoperability' to describe the administrative handovers among border, asylum, reception, health, child-protection, return, judicial and

[3] 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), Art. 2(10), consolidated version in force.

[4] Regulations (EU) 2019/817 and 2019/818 establishing a framework for interoperability between EU information systems.

monitoring authorities, since a digital referral has limited value unless the receiving actor has the information, competence and responsibility required to act upon it.

Finally, 'external cooperation' is used more narrowly than the Union's external migration policy as a whole. It refers here to third-country cooperation affecting identification, prevention of irregular entry, readmission, return or route management. The distinction matters because cooperation, dependence and confrontation describe materially different relationships in the Spanish, Bulgarian and Lithuanian settings.[5]

2.2. Sources, case selection and limitations

The article adopts a qualitative comparative methodology based primarily on implementation material produced between the adoption of the Pact in May 2024 and its first operational months after 12 June 2026. The principal source base consists of the Commission's Common Implementation Plan and successive implementation reports, National Implementation Plans where publicly identifiable, and material produced by the European Union Agency for Asylum (EUAA), the European Union Agency for the Operational Management of Large-Scale IT Systems (eu-LISA), the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Fundamental Rights (FRA), supplemented where relevant by judicial decisions, national material and civil-society reporting.[6]

These sources are not interchangeable. Commission reporting primarily assesses legal, administrative and operational milestones; EUAA provides greater depth on asylum, reception, staffing and procedural practice; eu-LISA addresses central information-system development and connection; Frontex contributes operational and risk-analysis evidence; and FRA focuses more directly on whether procedural and fundamental-rights safeguards are usable in practice.

Evidence is therefore interpreted according to the proposition it can support. Thus, a Commission assessment that a state is 'on track' may coexist with rights-oriented evidence of practical shortcomings, just as successful central delivery by eu-LISA may coexist with national problems of procurement, connection, user access or training. Such divergence may identify different dimensions of readiness rather than factual contradiction.

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[5] European Commission, Communication on a New Pact on Migration and Asylum, COM(2020) 609 final, 23 September 2020, section 6; V. MORENO-LAX, *Accessing Asylum in Europe: Extraterritorial Border Controls and Refugee Rights under EU Law*, Oxford, 2017; J.C. HATHAWAY, T. GAMMELTOFT-HANSEN, *Non-Refoulement in a World of Cooperative Deterrence*, in *Columbia Journal of Transnational Law*, 2015, no. 2, pp. 235-284; A. DEL VALLE GÁLVEZ, *La externalización de las fronteras de la Unión Europea*, in *Revista de Estudios Jurídicos y Criminológicos*, 2020, no. 2.

[6] European Commission, Common Implementation Plan for the Pact on Migration and Asylum, COM(2024) 251 final, 12 June 2024; First report on progress in implementing the Pact on Migration and Asylum, COM(2024) 456 final, 14 October 2024; Second report, COM(2025) 319 final, 11 June 2025; Third report, COM(2026) 196 final, 8 May 2026. European Union Agency for Asylum, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

Apparent convergence also requires caution because official reports may rely on the same national submissions or shared indicators. Greater weight is therefore given, where available, to operational monitoring, judicial findings, published national measures and evidence generated by actual use, while institutional silence is not treated as proof that no problem exists.

Civil-society material is used with the same caution. Although such reporting may provide access to applicants, lawyers and border locations that is unavailable to managerial implementation reports and can therefore make visible barriers that formal milestones do not capture, allegations are attributed as such rather than converted into established facts merely by their inclusion in a report. Their analytical value lies partly in testing whether the new implementation architecture contains credible mechanisms for recording encounters, preserving evidence, receiving complaints and enabling independent investigation.[7]

The selection of Spain, Lithuania and Bulgaria follows both substantive and evidentiary criteria. A wider review of external-border Member States revealed significant differences in public access to National Implementation Plans (NIP), ranging from complete publication to summaries, presentation material or non-public submitted plans, while Hungary and Poland had decided not to prepare or submit an NIP. The resulting absence of comparable public documentation in several major external-border states limits the possibility of a symmetrical national comparison and constitutes a transparency problem in its own right, which this article treats as a methodological limitation rather than as a separate object of investigation.[8]

Among states for which sufficiently identifiable implementation material was available, Spain, Lithuania and Bulgaria provide contrasting external-border configurations rather than a statistically representative sample. Spain combines maritime, Atlantic, island and land-border environments. Lithuania offers a north-eastern land-border case shaped by measures adopted in response to the alleged instrumentalisation from Belarus. Bulgaria combines a south-eastern land border with Türkiye, intensive border-management activity, Frontex involvement and significant material reception requirements.[9]

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[7] See, for example, AIDA/ECRE, Country Report: Spain - 2025 Update, July 2026, sections on access to territory and the asylum procedure; AIDA/ECRE, Country Report: Bulgaria - 2025 Update, May 2026, sections on access to territory, procedural guarantees and detention; Lithuanian Red Cross Society, Input by Civil Society Organisations to the Asylum Report 2025, February 2025.

[8] European Union Agency for Asylum, *National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum*, Situational Update No 25, March 2026, pp. 2-7.

[9] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, May 2026; Council of the European Union, *Schengen: Council decides to lift land border controls with Bulgaria and Romania*, Press Release, 12 December 2024. European Commission, Proposal for a Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland, COM(2021) 752 final, 1 December 2021; Court of Justice, judgment of 30 June 2022, M.A., C-72/22 PPU, EU:C:2022:505. European Border and Coast Guard Agency, annual route analysis concerning the Western Mediterranean and Atlantic routes; EUAA, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

The analysis is necessarily preliminary because most Pact provisions became generally applicable only on 12 June 2026 and much of the available evidence concerns preparation or the first months of operation. The Commission's report of 8 May 2026 is therefore treated as a final readiness assessment rather than as evidence of sustained performance, and designation, testing or planned capacity are not equated with effectiveness over time.

Accordingly, the article neither establishes definitive national compliance nor infers Union-wide outcomes from three cases; it identifies early implementation conditions, dependencies and observable gaps at the level supported by the available evidence, subject to reassessment as operational monitoring and judicial practice develop.

3. From legislative requirements to implementation evidence

Having defined the evidentiary framework, the analysis now turns to the institutional architecture through which implementation is organised and observed. The first subsection identifies the principal legal and operational requirements that had to be made functional by June 2026. The second examines how the Commission and the Union agencies assess different dimensions of readiness, thereby establishing the evidentiary basis for the national comparison in Section 4.

3.1. The implementation architecture

The Pact's external-border architecture requires the simultaneous operation of legal, material and technological components that, before the 2024 package, could more readily be examined as separate areas of administration. Screening introduces an organised pre-entry process involving identification, biometric registration, health and security checks, preliminary vulnerability identification and referral into the appropriate subsequent procedure. The Asylum Procedure Regulation connects that process to border procedures in defined categories of cases, while the concept of adequate capacity requires Member States to prepare the infrastructure necessary for those procedures. At the same time, the recast Eurodac Regulation expands the information recorded and makes digital registration increasingly central to the administrative sequence.[10]

These components form part of the wider implementation framework established after the adoption of the 2024 legislative package. The Commission's Common

[10] S. PEERS, *The New EU Asylum Laws: Taking Rights Half-Seriously*, in *Yearbook of European Law*, 2024, vol. 43, pp. 113-183; G. CORNELISSE, M. RENEMAN, *Border Procedures in the Commission's New Pact on Migration and Asylum: A Case of Politics Outplaying Rationality?*, in *European Law Journal*, 2020, nos. 3-4, pp. 181-193. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders; Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union; Regulation (EU) 2024/1358 of 14 May 2024 on the establishment of Eurodac.

Implementation Plan of 12 June 2024 translated the legislative settlement into ten implementation building blocks covering Eurodac; management of migration at the external borders; reception; asylum procedures; returns; responsibility; solidarity; preparedness and crisis planning; safeguards and monitoring; and resettlement, inclusion and integration, with National Implementation Plans intended to translate those common requirements into national programmes.[11]

The implementation process consequently produced a large number of measurable milestones. These include legislative amendments, designation of competent authorities, notification of screening and border-procedure locations, determination of adequate capacity, procurement of biometric equipment, connection and testing of information systems, recruitment and training, reception planning, arrangements for legal counselling and establishment of independent monitoring mechanisms.

Those indicators are indispensable for implementation governance, but their evidentiary meaning changed as the application date approached. The first Commission report principally assessed mobilisation and national planning. By the second report of June 2025, the same activities had become time-sensitive dependencies because draft laws, procurement or infrastructure still requiring lengthy completion could threaten operational readiness. The third report of 8 May 2026 moved closer to an operational assessment by examining Eurodac testing, adequate capacity, notified locations, reception infrastructure, case-management systems, health checks, legal counselling, monitoring and judicial preparedness.[12]

The progression demonstrates why implementation cannot be assessed through a static checklist, since a procurement process may constitute evidence of progress two years before its application but evidence of risk several weeks before it, just as the completion of a compliance test shortly before launch represents meaningful technical readiness without predicting how the system will function under sustained or geographically concentrated demand.

This temporal perspective also reveals persistent dependencies. National legislation, adequate capacity, reception, personnel, coordination, information systems and safeguards recur throughout the implementation process. Where the same issue remains visible from initial planning to final readiness, it should be treated not as an isolated last-minute delay but as a structural dependency of the operational model.

3.2. Different institutional perspectives on readiness

The institutional evidence confirms that implementation has no single authoritative viewpoint because the Commission, the EUAA, eu-LISA, Frontex and the FRA observe

[11] European Commission, Common Implementation Plan for the Pact on Migration and Asylum, COM(2024) 251 final, 12 June 2024, and Annex.

[12] European Commission, First report on progress in implementing the Pact on Migration and Asylum, COM(2024) 456 final, 14 October 2024; Second report on progress in implementing the Pact on Migration and Asylum, COM(2025) 319 final, 11 June 2025; Third report on progress in implementing the Pact on Migration and Asylum, COM(2026) 196 final, 8 May 2026.

different parts of the operational chain and use different forms of evidence; read together, their accounts make it possible to analyse readiness as a multidimensional condition rather than a binary conclusion.

The Commission's implementation reports provide the common reference point by examining whether Member States have created the legal and administrative prerequisites necessary for application and whether outstanding measures appear capable of completion. Their principal value lies in comparability and temporal monitoring, although the limits of that function are equally important. Thus, an assessment that legislation, procurement or capacity planning is progressing cannot by itself establish the quality of the procedure experienced by an individual applicant.

The EUAA supplies greater operational depth in the fields of asylum and reception, where screening is not a single administrative event but a sequence of handovers involving registration, biometric enrolment, security checks, preliminary health assessment, vulnerability identification, information provision and referral. The relevant question is therefore not merely whether each function exists but whether the resulting information can move through the procedure without losing substantive responsibility, as illustrated by a vulnerability indication that reaches a case-management system without triggering the appropriate service.[13]

For its part, eu-LISA examines a different layer, since central services and national interfaces must exchange information reliably, securely and at sufficient scale, while the Eurodac and interoperability architecture creates dependencies between central technical availability and national implementation. Central availability does not, however, establish national end-to-end functionality. Member States must procure and deploy appropriate devices, adapt national access points, determine authorised users, configure workflows, train personnel and establish fallback procedures, while a technically successful response can still be used incorrectly if an official attributes legal significance to a possible match that the underlying data do not support.[14]

Frontex evidence is relevant both operationally and institutionally because risk analysis and operational support can assist Member States in responding to changing routes and pressure, while joint operations complicate the attribution of responsibility where national authorities, agency personnel and shared information systems contribute to the same sequence. Scholarship on responsibility in multi-actor situations and on the accountability of Union asylum agencies reinforces the need to ensure that operational cooperation does not make it more difficult for the affected person, a monitoring body or a court to identify the authority responsible for a particular decision or action.[15]

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[13] Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum; EUAA, National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum, Situational Update No 25, March 2026.

[14] Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on eu-LISA; Regulations (EU) 2019/817 and 2019/818; Regulation (EU) 2024/1358.

[15] E. TSOURDI, *Holding the European Asylum Support Office Accountable for its Role in Asylum Decision-Making: Mission Impossible?*, in *German Law Journal*, 2020, no. 3, pp. 506-531; M. FINK, *Frontex and Human Rights: Responsibility in 'Multi-Actor Situations' under the ECHR and EU Public Liability Law*,

Finally, the FRA approaches readiness from another direction, using independent monitoring, effective access to procedures, legal assistance, confinement, data accuracy and remedies to test whether safeguards exist as usable mechanisms rather than formal designations. This perspective is especially relevant during the first operational stages because control mechanisms and safeguards do not necessarily follow the same timetable. Registration infrastructure and information systems can be organised through central projects with fixed technical launch dates, whereas monitoring bodies, legal-aid systems and judicial arrangements depend upon national institutions with different resources and preparatory cycles.[16]

The interaction among these perspectives provides the methodological basis for the national comparison that follows, since a Member State may demonstrate substantial readiness in one dimension while remaining incomplete in another; rather than collapsing those findings into a single conclusion that a state is or is not 'ready', the analysis therefore examines where the different components of the operational chain converge and where their sequencing generates gaps.

4. Early implementation in Spain, Lithuania and Bulgaria

The comparison now turns from the common implementation framework to its operation across three contrasting external-border environments. The purpose is to examine how the same requirements – legal preparation, adequate capacity, interoperable information systems, reception and staffing, legal counselling and independent monitoring – interact with different geographical, administrative and security conditions without intending to establish any hierarchy of national performance.

The evidence available during the first operational months does not support a binary distinction between Member States that were "ready" and those that were not. Spain, Lithuania and Bulgaria had all undertaken substantial implementation measures before June 2026, yet the nature and location of the remaining gaps differed. The comparison is therefore organised around common implementation requirements rather than through three self-contained country studies.

4.1. Legal and administrative preparation

National legislation provides the first illustration of why implementation readiness cannot be reduced to a binary category, since the Pact combines directly applicable regulations with a directive requiring transposition and multiple points at which Union

Oxford, 2018. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard; European Border and Coast Guard Agency, annual risk analysis and operational material concerning the Western Mediterranean, Eastern Mediterranean and eastern land-border routes.

[16] European Union Agency for Fundamental Rights, Migration and Fundamental Rights Bulletin, No 2/2026, 2026; Regulation (EU) 2024/1356, Art. 10.

rules depend upon national procedural, organisational and judicial arrangements; administrative preparation may therefore advance before every legislative dependency has been completed.

Spain entered the implementation period with an established asylum, immigration and border-management framework, but adaptation to the Pact required changes across several areas, including procedure, legal assistance, biometric registration, judicial review and independent monitoring. Its National Implementation Plan identified the necessary legislative and institutional adjustments and was accompanied by preparations concerning screening locations, standard operating procedures and digital case management, while the Commission's May 2026 assessment nevertheless continued to identify outstanding national measures, including aspects related to legal counselling. The evidence therefore supports a finding of advanced preparation rather than a conclusion that every national legal dependency had been completed and tested by the application date.[17]

For its part, Lithuania presents a more visible separation between administrative and legislative readiness, because advance planning, funding, notification of relevant locations, development of state-guaranteed legal counselling and modernisation of the national migration information system, MIGRIS, progressed while the principal legislative package implementing elements of the Pact was introduced in the Seimas only on 23 June 2026, after the general application date. Administrative preparation and legal incompleteness therefore coexisted.[18]

This temporal discrepancy is analytically important because ministries may procure equipment, prepare workflows and train personnel under existing competences while legislation remains pending; although that does not necessarily render every preparatory activity unlawful, it creates uncertainty as to which workflows, competences or procedural rules may later require alteration and therefore shows why detailed planning and technological modernisation cannot be treated as substitutes for completed legal implementation.

Finally, Bulgaria had likewise adopted an implementation plan and advanced relevant administrative and technical measures, although available reporting indicated that aspects of national implementation, including elements associated with procedures and Eurodac, remained incomplete. As in Spain and Lithuania, the adoption of an NIP should therefore not be equated with completion of every measure on which operation

[17] Spanish Ministry of the Interior, *Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo*, December 2024; European Commission, *Third report on progress in implementing the Pact on Migration and Asylum*, COM(2026) 196 final, 8 May 2026, country-specific findings concerning national legislation and legal counselling.

[18] Lithuanian Minister of the Interior and Minister of Social Security and Labour, Order No 1V-742/A1-895 of 10 December 2024, Dėl Europos Sąjungos Migracijos ir prieglobsčio pakto nacionalinio įgyvendinimo plano patvirtinimo [approving the National Implementation Plan for the EU Pact on Migration and Asylum]; Seimas of the Republic of Lithuania, Draft Law No XVP-1636 and associated Pact implementation package, registered 12 June 2026 and presented on 23 June 2026.

depends, since national implementation plans coordinate action but cannot replace legislation where a legislative basis is required.[19]

The three cases therefore display different forms of legal incompleteness. Spain was adapting an already developed national framework; Lithuania combined extensive administrative preparation with a particularly visible delay in primary legislation; Bulgaria combined an adopted implementation programme with remaining national legal and administrative dependencies. The comparison shows why terms such as "on track" or "prepared" require specification. They can describe meaningful progress without establishing that the complete national legal framework was operational in every relevant respect.

The broader implication concerns sequencing, since late legal change does not remain confined to the legislative sphere but can affect administrative protocols, software configuration, procurement specifications, staff training and judicial preparation; legal readiness is therefore not simply one implementation category alongside others, but a condition capable of determining whether several later components have been designed against stable rules.

4.2. Border procedures and adequate capacity

The concept of adequate capacity brings legal obligation, infrastructure and geography together. Member States must be able to conduct the procedures envisaged by the Pact, but nominal numbers alone cannot demonstrate operational capacity. Facilities must exist at relevant locations and must be supported by personnel, interpretation, health and vulnerability services, legal assistance and access to effective review.

By May 2026, Spain, Lithuania and Bulgaria had notified relevant screening or border-procedure locations and had advanced procedural preparation and training, although their capacity profiles differed substantially.[20]

Spain remained among the Member States requiring urgent work concerning adequate capacity, a difficulty that cannot be understood exclusively through a national aggregate because Spanish external-border implementation is geographically dispersed across western Mediterranean maritime routes, the Canary Islands and the land borders of Ceuta and Melilla. Capacity located on the mainland is not automatically available where a sudden increase in arrivals occurs on an island or at one of the autonomous cities, while transfers, although capable of relieving local pressure, themselves require transport, reception places, information exchange and continuity of access to legal and social services.[21]

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[19] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, May 2026, sections on implementation and procedural guarantees; European Commission, COM(2026) 196 final, *op. cit.*

[20] European Commission, COM(2026) 196 final, *op. cit.*, especially the country-specific findings on screening locations, training and adequate capacity.

[21] Spanish Ministry of the Interior, *Plan Nacional de Implementación del Pacto Europeo de Migración y Asilo*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning adequate capacity and operational preparation.

The Spanish case therefore illustrates a distinction between aggregate capacity and operationally situated capacity. A national system may possess substantial resources and nevertheless experience a local implementation gap if the relevant services cannot be deployed where the procedure is taking place. This is particularly significant in a border system affected by route volatility. Infrastructure planned on the basis of recent arrival patterns may become inadequate if maritime or Atlantic routes shift rapidly.

Lithuania, for its part, had been assessed more favourably in relation to adequate capacity. Its land-border environment permits a more stable identification of relevant operational locations than Spain's dispersed maritime and island settings. Yet geographical concentration does not remove implementation risk. The Belarus border has operated within a security environment involving restricted access and measures adopted in response to alleged instrumentalisation of migration. Capacity must therefore be assessed not only by the existence of places but also by whether lawyers, monitors, interpreters, asylum authorities and other necessary actors can obtain practical access during the circumstances for which the capacity is intended.

A facility cannot be treated as fully operational merely because it can physically accommodate the required number of persons, since security restrictions that prevent effective access by procedural or monitoring actors may cause material capacity and legal capacity to diverge.

Bulgaria, like Spain, continued to face significant adequate-capacity challenges. Delays involving construction or refurbishment affected the material conditions in which border procedures were expected to operate. This type of gap is particularly resistant to rapid correction. Legislation can be enacted or an administrative instruction amended within a relatively short period. Construction, procurement and refurbishment involve sequential stages of design, tendering, delivery, installation and acceptance.

The Bulgarian case demonstrates why technical preparation cannot compensate for incomplete material infrastructure. Officials may be trained and an information system may be operational, but neither measure creates reception places or appropriate procedural facilities. Where digital and administrative routing functions more rapidly than the material system can absorb cases, the result may be greater rather than lesser pressure on reception and procedural services.

Across the three cases, adequate capacity should therefore be understood qualitatively as well as quantitatively. The relevant question is not simply how many persons a Member State can accommodate. It is how many persons can undergo the required procedure, at the relevant location, with appropriate reception conditions, healthcare, vulnerability assessment, interpretation, legal assistance, trained decision-makers and effective review.

This qualitative conception also changes the evidentiary standard. A notification of a location is evidence of formal preparation, the completion of facilities and staffing constitutes stronger evidence of operation, and effective capacity can be demonstrated only when those components function together under actual or realistically simulated pressure.

4.3. Eurodac, national case management and interoperability

Information systems were among the most visible and measurable elements of Pact implementation. The transformed Eurodac system and the wider interoperability architecture require Member States to connect national authorities, biometric collection and case-management processes with the common European infrastructure. Spain, Lithuania and Bulgaria had all made significant progress in this area before the application date.

The evidence nevertheless demonstrates why technical compliance should not be used as a proxy for implementation as a whole. Successful testing establishes that a national component can communicate with the central infrastructure under specified conditions. It does not establish that data will always be collected accurately at the border, associated with the correct person and procedural status, used by properly authorised officials or corrected effectively if inaccurate.

Spain's digital preparation formed part of a wider effort to adapt case-management and border procedures to the Pact. Its experience highlights the relationship between central technical readiness and geographically dispersed national operation. Equipment and trained personnel must be available across operationally different border settings, while information created at one location may need to accompany a person transferred elsewhere. The implementation issue is therefore not only connectivity but continuity because the procedural meaning of the information must remain intelligible as a case moves between authorities and locations.

Lithuania's modernisation of MIGRIS provides the clearest example of a national system being adapted to the new architecture. Its implementation raises four related questions. The first is whether the system can exchange the required information with Eurodac and the relevant interoperability components. The second is whether access rights correspond to national legal competences. The third is whether the digital workflow reflects the applicable substantive and procedural law. The fourth is whether individuals can obtain meaningful access to and the correction of relevant data.

The distinction matters particularly where legislative change occurs late, because software does not merely store neutral information but frequently encodes procedural categories, institutional competences and sequences of action; if those legal assumptions change after the system has been designed, technical reconfiguration may become necessary, so that what originates as a legislative delay can become an organisational and technological implementation problem.

Bulgaria offers the reverse configuration. Technical preparation and training relating to Eurodac appeared relatively advanced while material and capacity-related difficulties remained. The contrast demonstrates that a functioning information system can coexist with weaknesses elsewhere in the procedural chain. Digital readiness may make those weaknesses more visible by producing prompt and standardised case records, but it does not resolve them.

Indeed, increased processing speed can expose downstream shortages more rapidly. If registration and digital referral operate efficiently while reception space, decision-makers, lawyers or interpreters remain insufficient, interoperability accelerates the movement of cases towards a bottleneck. In that situation, the digital system is not the original cause of the shortage, but it can increase the speed at which its consequences become operationally significant.

The comparative evidence therefore supports a concept of technological dependency rather than technological determinism. Eurodac, interoperability components and national case-management systems are necessary infrastructure for the Pact's operational model, but their importance does not mean that implementation difficulties are principally technological in origin.

The appropriate assessment must therefore distinguish three related questions. The first is whether the infrastructure functions technically. The second is whether its use corresponds to the applicable legal and institutional competences. The third is whether the administrative and material services receiving its outputs can act effectively upon them. Technical functionality is necessary, but a positive answer to the first question cannot substitute for the remaining two.[22]

Technical functionality, then, cannot establish overall readiness by itself. To determine whether digital preparation can support the procedure in practice, the comparison must also consider the reception and staffing structures that receive and act upon digital outputs.

4.4. Reception, staffing and procedural support

Reception and staffing provide a further example of interdependence because they determine whether accelerated procedures remain capable of individualised application. The Pact places substantial demands upon border officials, asylum caseworkers, health professionals, interpreters, lawyers, reception personnel and judges, often within compressed procedural time limits.

Spain illustrates the relationship between staffing, reception and geographical distribution, since adjustments to reception capacity in response to lower arrivals may constitute rational short-term resource management while nevertheless creating an implementation risk if capacity cannot be restored rapidly when routes change. In the Atlantic context, national availability does not necessarily correspond to immediate capacity in the Canary Islands, and comparable problems arise where specialist personnel, interpretation or legal services are concentrated away from the location experiencing pressure.

The Spanish example accordingly reinforces the distinction between nominal and usable capacity. A reception place elsewhere in the national system can ultimately relieve

[22] European Commission, *Third report on progress in implementing the Pact on Migration and Asylum*, COM(2026) 196 final, 8 May 2026, country-specific findings on Eurodac and national implementation; Regulation (EU) 2024/1358, *op. cit.*; Regulations (EU) 2019/817 and 2019/818, *op. cit.*

pressure, but it may not satisfy the immediate operational requirements of a procedure taking place at a remote or insular border.

Lithuania reported a comparatively stronger formal position concerning reception and state-guaranteed legal counselling, yet formal entitlement does not establish the practical availability of a professional at the moment when assistance is required, a distinction that is particularly important in accelerated and border procedures where delay can remove the practical value of the safeguard.[23]

The relevant indicators are therefore qualitative and temporal. They include not only whether a legal-aid scheme exists but whether counsel is accessible before a decisive interview or appeal, whether interpretation is available, whether communication can take place confidentially and whether security restrictions permit access to the relevant location.

Bulgaria's material difficulties make the connection between reception and procedure still more direct, because delays in construction or refurbishment mean that administrative and technological preparation may precede the physical environment required to operate the procedure appropriately. Available evidence during the early implementation period did not justify a general conclusion that the Bulgarian reception system was ineffective, but it did support the narrower finding that some material components remained incomplete or that their effective operation could not yet be publicly verified.[24]

Staffing creates comparable problems across all three cases because training statistics, while relevant, are insufficient. A trained official may still operate under excessive workload, whereas a nominally sufficient staffing level may conceal turnover, geographical mismatch or shortages of specialised expertise. Border procedures therefore require more than headcount and depend upon the availability of professionals with appropriate legal, linguistic, medical and procedural competence within the applicable time limits.

This is particularly significant for vulnerability identification. Screening can provide an initial opportunity to identify health needs, disability, trafficking indicators, age-related issues or other vulnerabilities, but not every need will be apparent at first encounter. An accelerated system therefore requires both early detection and the ability to update the procedural response when new information emerges.

Reception and staffing should consequently be treated as part of procedural legality rather than as background logistics. A procedure that formally satisfies a decision deadline may still function inadequately if the speed achieved depends upon insufficient interpretation, reduced access to legal support or inability to identify individual circumstances.

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[23] European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning Lithuania; see also EUAA, *National Implementation Plans and National Strategies under the EU Pact on Migration and Asylum*, Situational Update No 25, March 2026.

[24] AIDA/ECRE, *Country Report: Bulgaria - 2025 Update*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning reception infrastructure and adequate capacity.

Reception and staffing therefore lead directly to the safeguards attached to the procedure. Their practical availability determines whether legal counselling, vulnerability identification and monitoring can operate when they are needed, rather than functioning as protections that exist only formally or become available after the decisive procedural stage.

4.5. Legal counselling, monitoring and safeguards

The implementation of safeguards provides the clearest test of the distinction between formal provision and effective operation. The Pact contains requirements concerning information, legal counselling, vulnerability, monitoring and access to remedies, but those protections depend upon national institutions whose implementation cycles may differ from those governing central information systems or border infrastructure.

The three states had taken steps to establish legal-counselling and monitoring arrangements, although their institutional models differed. Lithuania relied upon state-guaranteed legal counselling, Bulgaria involved the National Legal Aid Bureau, while Spain continued to require adjustments in aspects of the national framework relating to legal counselling.[25]

Institutional form alone does not establish effectiveness, since publicly organised legal assistance may offer stable financing while still facing capacity constraints, contracted lawyers may provide specialist knowledge without continuous physical presence, and remote counselling may expand geographical coverage while creating difficulties of privacy, interpretation or access to documents. The appropriate implementation question is therefore functional, whether an individual can obtain meaningful legal assistance at the point at which it can still affect the procedure.

Independent monitoring raises the same problem because legal designation, although an essential first step, does not establish practical capacity, which depends upon mandate, staffing, funding, methodology, access to relevant locations and records, the possibility of conducting unannounced visits, cooperation with other actors and the ability to publish and follow up findings.

The operational burden of monitoring also varies according to the national setting. In Spain, effective monitoring must account for maritime disembarkation, island locations and the land borders of Ceuta and Melilla. In Lithuania, it must remain capable of functioning where security measures restrict ordinary access to the Belarus frontier. In Bulgaria, it must operate in a border environment characterised by extensive surveillance activity, operational cooperation with Frontex and recurrent allegations by civil-society and monitoring actors concerning informal returns or ill-treatment.

The existence of different operational environments means that uniform legal designation can conceal significantly different implementation demands. An ombudsman

[25] Regulation (EU) 2024/1348, *op. cit.*, Arts 16-18; European Commission, COM(2026) 196 final, *op. cit.*, country-specific findings concerning Spain, Lithuania and Bulgaria.

institution or equivalent body may possess formal independence while still requiring additional staff, specialised methodology or access protocols to perform border monitoring effectively.

The available evidence during the first implementation period therefore supports a cautious conclusion. Monitoring arrangements were legally or administratively provided for in all three cases and implementation was underway, but equivalent effective functioning could not yet be established. This does not justify presuming that the mechanisms were ineffective. It reflects instead the short period of operation, uneven evidence concerning resources and access, and the still limited body of findings published under the new framework.[26]

The comparison also reveals a wider sequencing issue. Registration systems, screening arrangements and case-routing infrastructure can become operational as soon as authorities, technical components and locations are ready. Monitoring cannot retrospectively observe encounters that took place before it possessed the necessary mandate, personnel or access. Similarly, legal assistance that becomes available only after a decisive procedural stage cannot fully repair the earlier absence of support.

Safeguards should therefore be evaluated by the same operational standard applied to control infrastructure. A monitoring body should not be considered fully implemented merely because it has been designated, just as an information system would not be considered fully operational merely because its legal basis exists. Effective implementation requires that the safeguard can actually perform its intended function at the time and place where the corresponding exercise of public power occurs.

4.6. Comparative findings

The three cases reveal different configurations of incompleteness rather than a single model of implementation failure. Spain combines geographical mismatch, capacity pressure and unfinished safeguards; Lithuania combines extensive administrative and digital preparation with important legislative dependencies and a security-conditioned border environment; and Bulgaria shows how technical preparation can advance ahead of material capacity.

Despite those differences, the comparison points to three common features. Implementation is multidimensional because legal, material, professional and technological readiness develop at different speeds. It is also relational because the significance of a gap depends upon the effects it produces elsewhere in the operational sequence. Finally, it is geographically conditioned because common obligations operate through different locations, access conditions and patterns of pressure.

Taken together, these common features allow the comparison to move from description to explanation. Section 5 therefore examines the implementation chains

[26] European Union Agency for Fundamental Rights, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*, sections on independent monitoring mechanisms; Regulation (EU) 2024/1356, *op. cit.*, Art. 10.

through which difficulties identified in the national cases acquire consequences across legal, institutional, material, professional and technological dimensions.

5. From national gaps to implementation chains

The national comparison shows that implementation difficulties rarely remain confined to the field in which they first appear, since a legislative delay can affect administrative workflows, procurement, training and digital configuration, while a shortage of reception capacity can increase staff pressure, extend confinement and reduce practical access to legal assistance, and an inaccurate record can move through several information systems and influence decisions taken by authorities that did not create the original data. The relevant unit of analysis is therefore not simply the individual gap, but the implementation chain through which its consequences develop.

This section draws the comparative findings together through four clusters. The first concerns legal and institutional sequencing. The second concerns material and professional capacity. The third concerns operational and digital dependency, while the fourth addresses safeguards and accountability. These categories identify the principal origin of a difficulty without assuming that each problem has a single cause. Their analytical value lies in showing how deficiencies move between dimensions and how interventions at different points may prevent, contain or remedy their effects.

5.1. Legal and institutional sequencing

The first implementation chain begins with the interaction between legal readiness and administrative organisation, because the Pact combines directly applicable Union rules with national legislation, institutional competences and procedural arrangements; late national adaptation therefore does more than postpone formal compliance, as it compresses the period in which authorities can stabilise workflows, allocate responsibilities, configure systems, train personnel and prepare judicial review.[27]

Lithuania provides the clearest example in the comparison, since administrative planning and digital development advanced while the principal legislative package remained pending beyond the general application date; the significance of that delay is not confined to the legal status of the legislation itself, because where competence, procedural routing or applicable safeguards remain subject to change, administrative systems developed in advance may require subsequent revision.

This is particularly important where legal rules are incorporated into digital workflows. A case-management system can assist officials in determining which procedure applies, which authority should receive a case, and which deadlines must be followed. It cannot, however, settle unresolved legal interpretation. If one interpretation

[27] European Commission, COM(2026) 196 final, *op. cit.*; Regulation (EU) 2024/1356, *op. cit.*; Regulation (EU) 2024/1348, *op. cit.*

is encoded before the legislative framework has stabilised, the software may reproduce that interpretation consistently and at scale. Subsequent legal correction then becomes a technological and organisational task as well as a normative one.

The same issue arises even where primary legislation is substantially complete. The Pact's pre-entry and border architecture crosses authorities that were not necessarily designed to operate as one administration. Border guards or police may undertake initial identification and security checks; health professionals conduct preliminary assessments; asylum authorities determine procedural routing; reception bodies provide accommodation; return authorities act following rejection; and courts review decisions taken at different stages.

Information transfer between these actors does not establish institutional coordination because each handover contains a substantive question of responsibility. A vulnerability indication must reach an authority capable of acting upon it. A biometric match must be interpreted by an official competent to assess its legal relevance. A negative decision entering a return process must remain connected to information concerning remedies and any suspensive effect. An individual can therefore be successfully recorded in several administrative systems while still experiencing an implementation failure if no institution effectively owns the transition between them.

The three national environments create different versions of this organisational problem. Spain must coordinate national authorities with geographically dispersed border and reception settings and, where relevant, regional services. Lithuania's more geographically concentrated external border reduces some forms of dispersion but increases the importance of protocols governing access in a security-restricted environment. Bulgaria combines national border and asylum structures with reception services, legal-aid arrangements and significant Frontex involvement.

The common implementation question is consequently not how many authorities participate, but whether the allocation of responsibility remains visible at the moments when one process becomes another.

This suggests a more demanding form of readiness testing. Institutional arrangements should be assessed not only through organograms, protocols or formal designations but through end-to-end scenarios. A meaningful test would follow, for example, a person requiring urgent healthcare, a possible unaccompanied child, an applicant with an earlier Eurodac record, or a person receiving a negative border decision. The relevant questions are whether the necessary information reaches each actor, whether responsibility for the next action is clear, whether deadlines remain legally correct and whether the handover is recorded in a way that permits subsequent review.

Organisational interoperability is therefore a substantive condition of implementation. Technical systems may facilitate handovers, but they cannot determine which institution must act, what legal standard applies or who remains accountable where several authorities contribute to the same procedural sequence.

5.2. Material and professional capacity

A second implementation chain begins with material and professional capacity, because adequate capacity is not simply a numerical threshold but a combination of infrastructure, services and specialist availability at the relevant location.

Spain, Lithuania and Bulgaria demonstrate different versions of the same problem. Resources must be geographically available, material infrastructure cannot be created instantly, and formally available capacity must remain accessible to lawyers, monitors and the other professionals necessary to make the procedure lawful.

Material shortages therefore extend beyond accommodation, increasing workload, delaying procedures and placing additional pressure on health, interpretation and legal services, so that an infrastructure deficit can acquire procedural and rights-related consequences.

Staffing problems display the same multiplier effect because screening and border procedures require specialised professional judgment within short time limits. Border officials must be capable of recognising an intention to seek protection even where it is expressed informally. Health professionals must distinguish immediate medical needs from vulnerabilities requiring further examination. Asylum officers must assess evidence and credibility without replacing individual assessment with categorical assumptions, while interpreters and lawyers must be available while their assistance can still influence the procedure.[28]

Training is indispensable but does not itself establish professional capacity, which also depends upon staffing levels, geographical availability, the retention of expertise and performance under operational pressure.

Accelerated procedures make this qualitative dimension particularly important because shorter time limits move evidentiary, interpretative and legal-support needs towards the beginning of the process.

Staff shortages can therefore produce non-linear effects, as increasing workloads may reduce interview quality, postpone vulnerability assessment, restrict time for individual explanation and create incentives to rely upon easily available indicators such as nationality, documentary status or database results; although technology may reduce repetitive tasks and facilitate information retrieval, it cannot substitute for professional judgment where credibility, vulnerability, the best interests of the child or risk of refoulement must be assessed individually.

Judicial capacity forms part of the same chain, since accelerated procedures require courts and registries to handle urgent applications, relevant files, interpretation and interim measures within correspondingly compressed timeframes.

[28] EUAA, *National Implementation Plans*, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*; Regulation (EU) 2024/1348, *op. cit.*, provisions on personal interviews, minors and applicants in need of special procedural guarantees.

Geography affects these safeguards as much as reception. Remote or restricted border locations may make legal assistance practically less accessible unless confidentiality, interpretation, access to documents and sufficient time are secured.

Material and professional readiness should therefore be assessed together, since infrastructure without appropriately available professionals cannot deliver the procedure and professional preparation cannot make inadequate material conditions lawful.

5.3. Operational and digital dependency

The third implementation chain concerns digital dependency. Information systems are indispensable to the Pact, but the comparative evidence does not identify them as the principal origin of most early implementation difficulties.

Eurodac and national case-management systems depend upon conditions established before information reaches the database, including equipment, connectivity, user competence, interpretation and the legal judgment applied to any resulting match.

Interoperability nevertheless changes the consequences of error because inaccurate information can be relied upon by several authorities and affect multiple later decisions.

The implementation problem should therefore be distinguished among different mechanisms of error. A capture error arises when biometric or alphanumeric information is recorded incorrectly. A matching error occurs where the system produces an incorrect or uncertain association. An interpretive error arises where an official gives the result greater evidentiary significance than it supports. A propagation error occurs where inaccurate information, or a correction to it, fails to move appropriately across the systems and procedures relying upon the record. This distinction is consistent with scholarship stressing the importance of provenance, user practices, confidence and correction in interoperable migration databases.[29]

The distinction among the error mechanisms matters because technical, professional and organisational failures require different remedies, while correction must be capable of reaching every system or procedure that relied upon the original information.

Technology can therefore operate as a direct contributing factor, an indirect amplifier or a contextual element, depending upon the specific mechanism through which it affects implementation.

The classification should be applied to the mechanism rather than to the policy field as a whole. Inadequate reception remains a material difficulty even if digital routing exposes it more quickly. Failed readmission remains an external constraint even if identity data support the request.

[29] N. VAVOULA, *Immigration and Privacy in the Law of the European Union: The Case of Information Systems*, Leiden, 2022; M. LEESE, *Benchmarking and Provenance: The Politics of Data Trust in EU Internal Security*, in *International Political Sociology*, 2026, vol. 20, no. 1; C. BLASI CASAGRAN, *Fundamental Rights Implications of Interconnecting Migration and Policing Databases in the EU*, in *Human Rights Law Review*, 2021, vol. 21, no. 2, pp. 433-457.

Taken together, these distinctions avoid both technological determinism and the assumption that the information systems are institutionally neutral. They also show why digital performance cannot be assessed in isolation. Once information moves across authorities and procedures, the capacity to detect, contest and correct error becomes part of implementation itself, which leads directly to safeguards and accountability.

5.4. Safeguards and accountability

The fourth implementation chain concerns safeguards and accountability, which should not be treated as a retrospective stage added after legislation, infrastructure and technology because they influence the quality and legality of the procedure from its beginning.

Legal counselling, effective remedies, monitoring, data correction and complaints mechanisms can prevent or contain errors as well as provide redress after they occur.

Independent monitoring offers a clear example because, where encounters, registration decisions, query logs and institutional handovers are documented and capable of independent examination, accountability can improve institutional behaviour before a complaint is made; conversely, if monitoring becomes operational only after the control architecture has begun functioning, relevant evidence may already be unavailable by the time a problem is investigated.[30]

Legal assistance illustrates the same temporal requirement, since a remedy may lose practical effectiveness if support was unavailable before the decisive procedural step or if the information underlying the decision cannot be accessed and challenged.

Interoperable systems intensify this requirement because effective review may depend upon identifying the origin, use and subsequent correction of information that travelled across several authorities or procedures.

Control information may travel across national authorities, Union systems and agency-supported operations while responsibility remains divided among several accountability bodies, producing an asymmetry between administrative and accountability interoperability.

Accountability interoperability does not require those bodies to be merged, but practical arrangements must allow their functions to connect where the underlying administrative action crossed institutional boundaries.

Accountability must operate at individual, systemic and managerial levels. At the individual level, it requires reasons, complaints mechanisms, correction and judicial review. At the systemic level, it requires the capacity to identify recurring defects. At the managerial level, those findings must be capable of producing changes in training, staffing, software or procedure.

[30] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*, sections on independent monitoring mechanisms.

These levels are complementary. Systemic oversight cannot replace relief to an affected person, while an individual remedy alone may leave the structural cause of repeated errors untouched.

Joint operations make the problem particularly visible because a national authority may take the formal decision, Frontex personnel may support the operational encounter, eu-LISA may operate a central information-system component and another Member State may have generated the underlying record; effective accountability cannot reasonably require the affected individual first to reconstruct that institutional architecture. The multi-actor literature on EU asylum and border administration is particularly relevant to this allocation problem.[31]

The implementation objective is therefore to preserve traceability across the chain. It must remain possible to identify who produced the information, who relied upon it, what legal significance was attributed to it and how any later correction reached the subsequent decisions that depended upon it.

Safeguards should accordingly be understood as part of effective administration rather than as obstacles to it, since correction, legal assistance and monitoring can improve data quality, decision-making and institutional learning.

Safeguards are therefore not a separate final category of implementation. Because they can prevent, contain and correct problems generated elsewhere in the operational sequence, they form part of the same implementation chain and must be assessed in relation to the speed and reach of administrative control.

5.5. Interaction among implementation difficulties

The four clusters can be reassembled into implementation chains by examining how an initial difficulty changes character as it moves through the operational sequence.

Late legislation illustrates the point. A problem that is initially legal may become organisational where authorities cannot finalise handovers, financial where procurement specifications remain unstable, professional where training relies on provisional rules, judicial where courts receive disputes without settled national procedures, and technological where software has already encoded an interpretation that later requires amendment. Technology may therefore reproduce or prolong the effects of the delay without being its original cause.

Adequate capacity produces a different chain. A shortage or geographical mismatch can increase workloads, prolong stays in border facilities and weaken access to interpretation, lawyers or vulnerability services, while rapid digital routing may expose the bottleneck more quickly without creating it. Data quality is similarly composite. Biometric capture depends upon equipment and user competence, alphanumeric data depend upon language and interpretation, and the legal significance of a match depends upon administrative judgment.

[31] M. FINK, *Frontex and Human Rights*, *op. cit.*; E. TSOURDI, *Holding the European Asylum Support Office Accountable*, *op. cit.*; Regulation (EU) 2019/1896, *op. cit.*

These examples show why remediation should identify both the earliest modifiable contributor and the downstream consequences already produced. Prevention, containment and redress address different points in the same chain, and implementation assessment should therefore favour end-to-end testing over the isolated certification of individual components.

Readiness is consequently relational. A highly available information system cannot compensate for unclear legal rules. Rapid registration cannot compensate for unavailable reception. A vulnerability flag cannot protect an applicant if no appropriate service responds, and a judicial remedy cannot operate effectively where the information that influenced the decision cannot be traced. The Pact should therefore be assessed as a connected administrative process rather than as a set of building blocks capable of independent certification.

The interaction examined in Section 5 explains how implementation difficulties can travel across legal, material, professional and digital dimensions. Interoperability now requires separate examination, not because technology displaces those other causes, but because connectivity can extend their effects beyond the institution or procedural stage in which they first arose.

6. Interoperability as infrastructure and risk amplifier

The previous section established that technology may enter an implementation chain at different points and with different causal significance. Interoperability requires separate attention because it is neither an autonomous policy objective nor a neutral technical background. It enables information to move across procedures and authorities while increasing dependency upon the accuracy, legality and interpretability of the information exchanged.

The transformed Eurodac Regulation illustrates this dual function, since Eurodac no longer operates only as a fingerprint-based instrument linked principally to responsibility allocation; its scope is broader, its data environment more extensive and its interaction with the European interoperability architecture places it within a system of shared search, identity and biometric components.[32]

The architecture can improve identification, reduce duplicate registration and support continuity between screening, asylum procedures and later administrative stages, but the same connectivity also means that interruption, inaccurate data or misunderstood results can affect several procedures at once.

This is especially important because interoperability does not eliminate the distinct legal purposes and access conditions of the underlying systems. Shared search and matching functions may increase the practical proximity of data originally collected

[32] Regulation (EU) 2024/1358 on the establishment of Eurodac, especially Arts 1-3 and 14-26.

under different legal regimes, but they do not remove purpose limitation, access restrictions or the need to establish the lawful significance of a particular result.[33]

The implementation challenge is therefore not simply whether a query can be made, but whether access is lawful, the result traceable to its source, uncertainty preserved and correction capable of reaching every procedure that relied upon the information.

6.1. Error propagation and correction

Interoperability magnifies the institutional consequences of administrative error because a record generated during screening may influence several later procedures and be relied upon by authorities that did not create it.

As identified in Section 5, at least four mechanisms should be distinguished – capture, matching, interpretation and propagation – because technical accuracy alone cannot address all four and each requires a different combination of technical, administrative and legal safeguards.[34]

A biometric system may process an input correctly while the underlying identity information is inaccurate; a reliable match may then be misinterpreted, or a corrected national record may continue to influence another procedure if the correction does not propagate across the administrative chain.

The problem is especially acute where disputed or provisional attributes such as age, identity, nationality or procedural status are represented as settled facts, since downstream users may then treat administrative uncertainty as certainty.

Correction and auditability must therefore form part of the operational architecture. An affected person should not have to identify every authority that relied upon an inaccurate record before the correction can become effective. Such review must also allow competent bodies to establish who entered, accessed and used the information and what consequences followed from that use.

6.2. Dependency rather than technological causation

Many early implementation difficulties do not originate in information systems. Late legislation is legal in origin, inadequate reception is material, professional shortages are organisational, and readmission problems may depend upon relations with third countries. Technology becomes relevant where it changes the speed, scale or persistence of those weaknesses.

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[33] Regulations (EU) 2019/817 and 2019/818, *op. cit.*, provisions establishing the European Search Portal, shared Biometric Matching Service, Common Identity Repository and Multiple-Identity Detector; Regulation (EU) 2024/1358, *op. cit.*; E. BROUWER, *Large-Scale Databases and Interoperability in Migration and Border Policies: The Non-Discriminatory Approach of Data Protection*, in *European Public Law*, 2020, vol. 26, no. 1, pp. 71-92; C. BLASI CASAGRAN, *Fundamental Rights Implications*, *op. cit.*

[34] N. VAVOULA, *Immigration and Privacy*, *op. cit.*; M. LEESE, *Benchmarking and Provenance*, *op. cit.*; C. BLASI CASAGRAN, *Fundamental Rights Implications*, *op. cit.*

For implementation analysis, the appropriate question is therefore not whether a difficulty is technological in a general sense, but how technology participates in the causal chain. It contributes directly where equipment, connectivity, software or matching fails. It acts as an amplifier where digitalisation increases the speed, scale, permanence or institutional diffusion of a weakness originating elsewhere. It remains contextual where substantially the same difficulty would arise without digital infrastructure.

This distinction prevents digitalisation from becoming an undifferentiated explanation for implementation failure and directs remedies towards both the original weakness and any technological mechanism that has amplified it.

6.3. End-to-end implementation

Interoperability should therefore be tested end to end, from border collection through screening, Eurodac, case management, procedural routing, reception referral and later correction or review, including adverse scenarios such as poor connectivity, disputed identity, difficult biometric capture and system unavailability.

The aim is not to eliminate every administrative error but to ensure that error remains visible, traceable and correctable before it becomes embedded in subsequent decisions.

Interoperability is thus both an enabling infrastructure and an institutional stress test. Its value depends not only upon the speed with which information moves, but also upon whether the surrounding legal and administrative system can preserve accuracy, traceability and correction as information crosses institutional boundaries. Because greater connectivity increases the speed and institutional reach of administrative action, legal assistance, monitoring, correction and review must be capable of operating within the same temporal framework. This connection leads directly to the sequencing of safeguards examined in the following section.

7. Safeguards and the sequencing problem

The comparative evidence points to a final implementation difficulty. Control mechanisms and safeguards do not necessarily acquire operational capacity at the same institutional *tempo.*

The Pact does not create a legal architecture in which border control exists first and fundamental-rights safeguards are added later, since information, legal counselling, vulnerability assessment, access to remedies and independent monitoring form part of the implementation framework itself; the practical problem is instead that the institutions responsible for those safeguards do not necessarily become operational through the same

processes or according to the same timetable as screening, registration or central information systems.[35]

Control-oriented components often benefit from concentrated project structures and measurable launch events, whereas legal assistance, judicial protection, independent monitoring and data correction depend upon more dispersed national arrangements; formal simultaneity in the legal framework may therefore fail to produce functional simultaneity in practice.

Where screening and case-routing can operate from the first day while legal assistance or monitoring remains only partly functional, safeguards risk becoming retrospective because the institution capable of making the right effective is not yet available at the decisive moment.

This sequencing problem is particularly significant in accelerated and border procedures, where time itself becomes part of effectiveness. Legal assistance obtained after a decisive interview cannot fully replace assistance that should have been available beforehand. A monitoring body that later receives access cannot observe an encounter that occurred before its operational arrangements existed, while the correction of inaccurate information after removal or transfer may arrive too late to prevent the relevant harm.[36]

The appropriate standard is therefore functional equivalence. Speed, connectivity and administrative output should not be treated as evidence of completed implementation while mechanisms of contestation and correction remain merely formal.

This sequencing problem can be expressed as an asymmetry between administrative interoperability and accountability interoperability. The latter does not require supervisory bodies to be merged, but it does require separate mechanisms to be capable of reconstructing and reviewing an administrative chain that itself crosses institutional boundaries.

At the individual, systemic and managerial levels, accountability must connect reasons, access to information, complaints mechanisms, data correction and judicial review with the capacity to identify recurring patterns and translate findings into changes in training, staffing, software or procedure.

The difficulty is especially visible in joint operations and interoperable information environments, where a national authority may make the formal decision, Frontex may have supported the operational encounter, eu-LISA may operate the relevant central infrastructure and another Member State may have generated the record subsequently relied upon. The individual affected should not bear the burden of reconstructing this distribution of functions before obtaining an effective remedy.[37]

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[35] Regulation (EU) 2024/1356, *op. cit.*, Arts 9–12 and 13(6); Regulation (EU) 2024/1348, *op. cit.*, provisions on legal counselling, minors and applicants in need of special procedural guarantees; FRA, Migration and Fundamental Rights Bulletin, No 2/2026, *op. cit.*

[36] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*; G. CORNELISSE, M. RENEMAN, *Border Procedures*, *op. cit.*

[37] M. FINK, *Frontex and Human Rights*, *op. cit.*; E. TSOURDI, *Holding the European Asylum Support Office Accountable*, *op. cit.*; Regulation (EU) 2019/1896, *op. cit.*

Administrative effectiveness and rights protection should not be treated as inherently competing objectives, since accurate information, effective correction, independent monitoring and accessible remedies can improve both reliability and legitimacy.

The first operational stages examined in this article suggest that this asymmetry deserves continuing attention, since registration, information exchange and procedural routing have benefited from detailed operational planning and measurable implementation milestones, whereas safeguards, although incorporated into the legal framework, depend upon more dispersed national institutions and remain less easily captured by conventional readiness indicators.[38]

Future implementation assessment should therefore ask whether the mechanisms designed to identify, contest and correct error function at the same point in time and under the same operational pressures as the administrative procedures they supervise. This question brings the analysis back to the central issue of readiness and provides the basis for the conclusions that follow.

8. Conclusions

The first operational stages of the EU Pact on Migration and Asylum show that readiness at the external borders cannot be reduced to separate legislative, administrative or technical milestones. Across Spain, Lithuania and Bulgaria, legal preparation, material capacity, professional resources and digital infrastructure advance at different speeds, so formal provision, implementation underway, operation in practice and effective functioning must remain analytically distinct; the relevant unit of analysis is the implementation chain through which a difficulty originating in one field affects subsequent stages.

Nor does the comparison support an explanation centred on technological failure. Most recurring constraints arise from legislation, institutional coordination, adequate capacity, staffing and procedural support, while interoperability matters because it can alter their consequences by increasing speed, scale or institutional reach. Distinguishing technology as a direct contributing factor, an indirect amplifier or a contextual element allows remedies to address both the earliest modifiable cause and any downstream digital effects.

A further finding concerns sequencing. Legal counselling, vulnerability assessment, remedies, monitoring and data-protection guarantees belong to the same legal architecture as screening, registration and border procedures, yet they depend on more dispersed national institutions and may not become operational at the same pace as centrally managed technical components. In an interoperable environment, this functional asymmetry also becomes an accountability problem because information can

[38] FRA, *Migration and Fundamental Rights Bulletin*, No 2/2026, *op. cit.*; European Commission, COM(2026) 196 final, *op. cit.*; J.M. PORRAS RAMÍREZ, *La securitización de la política migratoria y de asilo de la Unión Europea*, in *Revista de Estudios Políticos*, 2024, no. 205, pp. 57-90.

cross national authorities, Union systems and agency-supported operations more easily than responsibility.

Geography remains equally important, since common Union requirements operate differently across dispersed maritime and island settings, security-conditioned land borders and south-eastern border environments; adequate capacity, staffing, monitoring and legal access must therefore be assessed where the procedure actually operates rather than solely through national aggregates. Because the evidence still concerns preparation and the first months of operation, these conclusions remain preliminary and should be tested against subsequent operational monitoring, judicial practice and adverse conditions.

The durability of the Pact will ultimately depend not only on whether border administrations become more connected and efficient, but on whether individual assessment, correction, legal protection and accountability become equally operational. Administrative interoperability should therefore be accompanied by accountability interoperability. Practical mechanisms of traceability, correction and review must be capable of reconstructing an administrative chain across institutional boundaries without merging the independent bodies responsible for oversight.

ABSTRACT: This article examines the first operational stages of the 2024 EU Pact on Migration and Asylum at the Union's external borders through a comparison of Spain, Lithuania and Bulgaria. Drawing on Commission reports, National Implementation Plans and material from the EUAA, eu-LISA, Frontex and the FRA, it distinguishes formal readiness from effective functioning. The findings show that early implementation gaps are mainly legal, institutional, material and professional, while interoperability can amplify their effects. The article also identifies a sequencing problem between connected administrative systems and fragmented safeguards, requiring effective traceability, correction and accountability mechanisms.

KEYWORDS: EU Pact on Migration and Asylum – external borders – implementation – interoperability – accountability.