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Warsaw, 17.12.2015

**Request for access to Frontex documents**

Dear Ms Maillet,

With reference to your application received on November 30, 2015, I would like to inform you that Frontex agrees to provide you with a copy of all serious incident reports filed during JO Hermes 2014.

Please note that some limited parts of the documents you have requested fall under the exceptions to public access to documents as stipulated in Regulation (EC) No 1049/2001 of 30 May 2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents. As a consequence, these parts of the documents have been blanked out with the detailed explanation of the reasons next to them.

I hope you will find these documents useful.

I would also like to remind you that the copyright of the documents are with Frontex and that the existing rules on copyright may limit your right to reproduce or exploit the released documents.


As regards however your request for all debriefing interview forms from interviews conducted by Frontex with migrants intercepted during JO Hermes 2014, please be informed that Frontex cannot provide you with those documents.

This is due to the fact that they contain operational information and intelligence such as modi operandi, migration routes and patterns, the disclosure of which could facilitate criminal networks involved in migrant smuggling, endangering the migrants' safety and fundamental rights, as well as the safety of Member State crews, and could also harm the implementation of current and future operational activities.

Access to those documents is thus refused pursuant to Article 4(1)(a) of Regulation No 1049/2001, as their disclosure could jeopardize the effective control and surveillance of the external sea borders of the EU Member States and the fight against cross border crime, and would ultimately undermine the protection of the public interest as regards public security.

Yours sincerely,

Hervé Caniard

FOR AND ON BEHALF  
Simon ARSW  


Head of Legal Affairs Unit

Attachment:

1. Serious Incident Reports during JO Hermes 2014 (PDFs)

According to Regulation 1049/2001 you may present a confirmatory application pursuant to Article 7(2) of the aforementioned Regulation. This confirmatory application, in which you may ask for reconsideration of your original request, is to be made within 15 working days of receiving our reply. If you make such an application, within 15 working days you will either be granted access to the document or our intention to refuse access, as explained above, will be confirmed. The confirmatory application can be sent by post or electronically.