

Ms Luisa Izuzquiza

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Our ref: CGO/LPU/27337/2018 and

CGO/LPU/27931/2018

Please quote when replying.

Warsaw, 16 January 2018

## Request for access to Frontex documents

Dear Ms Izuzquiza,

With reference to your application, received on 28 November 2017 (registry number 27337) requesting

- 1. all contracts, agreements and/or contractual statements signed with any of the 28 EU Member States in regards to Joint Operation Triton 2016;*
- 2. all contracts, agreements and/or contractual statements signed with any of the 28 EU Member States in regards to Joint Operation Triton 2017;*

And your application, received on 4 December 2017 (registry number 27931) requesting

- 3. all contracts, agreements and/or contractual statements signed with Norway in regards to Joint Operation Triton 2016.*

In regard to **question no. 2**, I regret to inform you that access to the requested documents concerning the Joint Operation Triton 2017 has to be refused pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. This refusal is justified by the fact that the disclosure of information in regard to the ongoing Joint Operation Triton 2017, which has been recently extended until the end of January 2018, would hamper the effectiveness of Frontex operations and if this information became public the efforts carried out by the European Union and Member States to curtail criminal activities - and thus public security - would be undermined. Furthermore, there exists a risk that disclosing all the variables and the information therein would benefit the smuggling networks who would change their modus operandi accordingly, thus putting the life of migrants in danger.

Concerning **questions no. 1 and 3**, I regret to inform you that access to the requested documents concerning the Joint Operation Triton 2017 has to be refused pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001. The information contained in contracts, agreements and contractual statements signed with Member States and Norway in regards to Joint Operation Triton 2016 has been used as the basis for the conceptualization of the ongoing Joint Operation Triton 2017 and is further considered in the drawing up of subsequent Joint Operations.

However, we have decided to interpret your request wider and I am pleased to provide you you templates in regard to the contractual arrangements, which you kindly find herewith attached.

Yours sincerely,

**signed**

Hervé Caniard  
*Head of Transparency Office*

Pursuant to Article 7(2) of Regulation 1049/2001, you may present a confirmatory application. 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.

**Attachments:**

- SPECIFIC FINANCING DECISION (4 pages)
- REQUEST FOR PRE-FINANCING (1 page)
- ACKNOWLEDGEMENT OF RECEIPT (1 page)
- REQUEST FOR INTERIM / FINAL PAYMENT (1 page)
- Forms for the calculation of the contribution (4 excel sheets)

## SPECIFIC FINANCING DECISION

**No. 2017/        /**

The Executive Director,

Having regard to Frontex Financial Regulation<sup>1</sup>, in particular Article 39 thereof,

(OR

*The Deputy Executive Director*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/08 of 13 January 2016 on delegation of authority,)*

(OR

*Director of the Operations Division*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/14 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Joint Operations Unit*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and Executive Director decision 2016/15 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Land Border Sector*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/16 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Sea Border Sector*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/17 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Air Border Sector*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/18 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Return Support Unit*

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<sup>1</sup> Decision of Management Board of Frontex No 1/2014 of 8 January 2014 on Frontex Financial Regulation.

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/67 of 22 July 2016 on delegation of authority,)*

(OR

*Head of Return Operations Sector*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/19 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Risk Analysis Unit*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/20 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Frontex Situation Centre*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/23 of 18 January 2016 on delegation of authority,)*

(OR

*Head of Pooled Resources Unit*

*Having regard to Frontex Financial Regulation, in particular Article 40 thereof, and the Executive Director decision 2016/10 of 18 January 2016 on delegation of authority,)*

Having regard to the Framework Partnership Agreement signed on [last date of the signature of the FPA] between Frontex and [full official name of the Partner as it is in the FPA] , in particular Article I.2 thereof,

Whereas:

1. Frontex financial support is intended to help achieve improvement of the integrated management of the external borders of the Member States of the European Union.
2. In performance of its obligation to support the management of the external borders and to promote solidarity between the Member States, Frontex fully applies the principles of transparency and equal treatment.
3. The operation                      is an important step in order to achieve                      *(to be filled in relation to the particular operation).*
4. The Framework Partnership Agreement between Frontex and the Partner has been signed and is in force.

Has decided as follows:

#### **Article 1 - Purpose of this decision**

1. Financial support from Frontex budget is granted, in the framework of the project year/ / to:

[full official name]

[official address in full]

[Code Country] [Post Code] [Town]

represented for the purposes of this decision by [name, forename and function],

referred to as “the Partner”

for the operational activity entitled (‘the activity’), under the terms and conditions set out in the present decision, its Annexes and the Framework Partnership Agreement.

Any change of address by the Partner shall be communicated in writing to Frontex.

2. The Partner shall undertake everything in his power to carry out the activity as described in this decision, including its annexes, acting on his own responsibility.

#### Article 2 - Duration of the activity

1. The activity shall be executed in the period starting from until .
2. The period of implementation of the activity shall determine the period of eligibility for Frontex financial support.

#### Article 3 - Financing the activity

1. The total eligible cost of the activity is estimated at Euro, as shown in the estimated budget in Annex II.
2. The estimated budget gives a detailed breakdown of costs that are eligible for funding under the terms of Article II.16 of the Framework Partnership Agreement, and of all receipts, so that receipts and costs balance.
3. The total eligible direct costs of the activity for which financial support is granted are estimated at Euro, which corresponds to the following items of expenditure as shown in the estimated budget (and REM templates when used) in Annex II, applying the eligibility provisions laid down in Article II.16 of the Framework Partnership Agreement:
  - Staff costs (travel costs, daily subsistence allowances (DSA), accommodation, vaccination, special insurance, health care);
  - Running Expenses of Means (REM);
  - Other eligible direct costs.
4. Indirect costs are eligible at a flat rate up to % of the total eligible direct costs and are estimated at Euro subject to the conditions laid down in Article 16 of the Framework Partnership Agreement.
5. Frontex shall co-finance a maximum of Euro (in words: and /100), equivalent to % of the estimated total eligible costs indicated in paragraph 1.
6. The final amount of the financial support shall be determined as specified in Part B - Financial provisions of the Framework Partnership Agreement.

#### Article 4 - Payment arrangements

The payments shall be made in accordance with Part B - Financial Provisions of the Framework Partnership Agreement. *Additionally, the following supporting documents proving the costs borne should be attached to the Request for final payment:*

- *in REM for OPV: invoices related to point 1.3 (original cost of the vessel) and 2.1 (Bunkers and lubricants)*
- *invoice for the main charter flight*

- invoice for the cost of interpreters.  
(TO BE REMOVED OR MODIFIED ACCORDINGLY)

#### Article 5 - Bank account

Payments shall be made to the Partner's bank account or sub-account denominated in Euro, as indicated below:

Name of bank:

Address of branch:

Precise denomination of the account holder:

Full account number (including bank codes):

IBAN account code:

BIC:

This account or sub-account must identify the payments made by the Frontex.

Any change of the bank account by the Partner shall be communicated in writing to Frontex.

#### Article 6 - General administrative provisions

1. Any communication in connection with the present decision shall be addressed to Frontex under the following address in writing, indicating the number of the decision:

Frontex

Pl. Europejski 6

00-844 Warsaw

Poland

E-mail address: [@frontex.europa.eu](mailto:@frontex.europa.eu)

2. Ordinary mail shall be considered to have been received by Frontex on the date on which it is formally registered by Frontex. E-mail shall be considered received on the date it is received.

**For Frontex<sup>2</sup>**

Done at Warsaw

.....  
Signature

[name/forename]

Annexes:

- I. Operational Plan
- II. Estimated budget of the activity (and REM templates when used)
- III. Acknowledgement of receipt
- IV. Request for pre-financing
- V. Request for interim/final payment
- VI. Template for Interim/ Final Financial Statement

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<sup>2</sup> The person representing Frontex must be an authorising officer (by delegation or sub-delegation).

*(on the letterhead of institution)*

Annex IV

*(date)*

Frontex  
Plac Europejski 6  
00-844 Warsaw  
Poland

**JO TRITON 2017  
(2017/SBS/05)  
REQUEST FOR PRE-FINANCING**

Specific Financing Decision number: .....

I hereby request the payment of pre-financing of ..... EUR, in accordance with the above mentioned decision.

Please transfer the funds to the following bank account:

.....

*Name, signature, date and place (by a person authorized to sign financial documents on behalf of the Partner)<sup>1</sup>*

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<sup>1</sup> It must be the person whose specimen signature has been communicated to Frontex.



*(on the letter head of institution)*

*(date)*

Frontex  
Plac Europejski 6  
00-844 Warsaw  
Poland

**JO TRITON 2017  
(2017/SBS/05)  
ACKNOWLEDGEMENT OF RECEIPT**

Specific Financing Decision number: .....

I hereby acknowledge the receipt of the above mentioned decision addressed to [*official name of the Partner*], decided and awarded under the provisions of the Framework Partnership Agreement signed on [*date*] between Frontex and [*official name of the Partner*].

I fully understand that this decision is subject to the terms and conditions of the above framework agreement and I hereby explicitly consent on behalf of [*official name of the Partner*] to be bound by the provisions of the framework agreement as regards this decision.

*Name, signature, date and place (by a person fully authorized to represent the Partner for the purposes of the framework agreement).*



(on the letterhead of institution)

(date)

Frontex  
Plac Europejski 6  
00-844 Warsaw  
Poland

**JO TRITON 2017  
(2017/SBS/05)**

**REQUEST FOR INTERIM / FINAL<sup>1</sup> PAYMENT**

Specific Financing Decision number: .....

I hereby request the interim / final payment of ..... EUR, in accordance with the above mentioned decision and the attached Final Financial Statement of costs.

I hereby certify that the information provided is full, reliable and true, and that the costs have been incurred and all receipts have been declared in accordance with the Specific Financing Decision. I hereby also certify that this request for payment is substantiated by adequate supporting documents that can be checked.

I also hereby confirm that all the costs included in the Interim / Final Financial Statement (including the technical means and additional equipment deployed as well as depreciation costs) under the above mentioned Specific Financing Decision did not receive co-financing from any other EU fund. In case they did receive co-financing, I hereby confirm that the relevant reductions were made.

Please transfer the funds to the following bank account:

.....

*Name, signature, date and place (by a person authorized to sign financial documents on behalf of the Partner).<sup>2</sup>*

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<sup>1</sup> Choose as appropriate. Please note:

Interim payment may be requested when the duration of a SFD is minimum 3 months and the Beneficiary has spent minimum 70% of the pre-financing received. Request for interim payment may not exceed 25% of estimated Frontex co-financing.

Final payment has to be requested within 75 days after the end date of the activity as defined in a SFD.

<sup>2</sup> It must be the person whose specimen signature has been communicated to Frontex.



## ANNEX II - ESTIMATED BUDGET

Project number: 2017/SBS/05

Project name: JO TRITON 2017, deployment of .....for ... days: ... - ...2017 in Italy

Partner:

ATTENTION: This budget has to be filled in for every Specific Financing Decision.

I.	ELIGIBLE DIRECT COSTS	Unit	no of units	Unit price	Total (EUR)
I.1	Staff costs				-
ITALY	Travel costs	ticket			-
	Daily subsistence allowances for one GO in Italy / ... days	day			-
	Accommodation in Rome / 2 nights	night			-
	Accommodation in ..... / ... nights	night			-
	Vaccination	person			-
	Special insurance	person			-
	Health care		-	-	-
I.2	Running Expenses of Means (REM) **				-
			-	-	-
I.3	Other eligible direct costs ***				-
	Car rental (UNIT COST) ****	day			-
	Additional deployment cost (UNIT COST) ****	day			-
			-	-	-
TOTAL ELIGIBLE DIRECT COSTS					-
II.	ELIGIBLE INDIRECT COSTS (OVERHEADS)				
II.1	Max. 7% of total eligible direct costs				-
I+II	TOTAL ELIGIBLE COSTS OF THE ACTIVITY				-

FRONTEX CO-FINANCING (expressed in % of total eligible costs and in figure)	100.00%	-
MS CO-FINANCING	0.00%	-

\* Accommodation and daily allowance rates must respect EU ceilings - see the last sheet in this file.

\*\* If means are used, it is necessary to attach a REM sheet per each means deployed in the operation.

\*\*\* In case of SFD for running costs of Focal Points, overheads and communication costs are not eligible.

\*\*\*\* In case of unit costs the unit value is established in advance and therefore does not need to be proven by supporting documents. If the unit cost approach is selected at the stage of SFD/estimated budget, it must be followed at the stage of final payment.

By sending the Acknowledgement of Receipt the Partner confirms that the costs included in the Estimated Budget above did not receive co-financing from any other EU fund. This is also valid for REM costs (if applicable), including depreciation costs.





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REM SHEET FOR: **AERIAL MEANS**PURPOSE OF SUBMISSION: **INITIAL BUDGET**

CRATE Reg. No.:	Helicopter	
AIRPLANE / HELICOPTER MODEL:		
CALL SIGN:		
JOINT OPERATION:		
LAST DAY OF MISSION (dd/mm/yyyy):		
NUMBER OF CREW MEMBERS:		
PERFORMANCE	transfer	op. area
DURATION OF MISSION (DAYS):		0
TOTAL RUNNING HOURS:		0.00
AVERAGE NUMBER OF RUNNING HOURS PER DAY	0.00	0.00

\*) Costs specified in the below REM categories did not receive co-financing from any other EU fund

**1 - FIXED AIRPLANE / HELICOPTER EXPENSES**

1.1) Purchase price of the airplane / helicopter:	Total	
1.2) Costs of all inspections / maintenance	1 flying hour	
- Duration of depreciation in years:	20	
- Starting date of depreciation (dd/mm/yyyy):		

INFO

**TOTAL FIXED EXPENSES****€0.00****2 - VARIABLE AIRPLANE / HELICOPTER EXPENSES**

	No of units	Unit price	Total
2.1) Fuel and lubricants (hours)	0		-
2.2) Air Navigation, airport expenses and voyage costs (days)	0		-
2.3) Service Support (days)	0		-
2.4) Additional / Extra equipment (lump sum)	1		-

INFO

**TOTAL VARIABLE EXPENSES****€0.00****3 - MISSION EXPENSES**

Category (Unit)	No of units	Unit price	Total
3.1) Allowances (mandays)	0		-
3.2) Other crews expenses (mandays)	0		-
3.3) Spare parts (days)	0		-
3.4) Insurance (days)	0		-
3.5) Safety equipment (lump sum)	1		-
3.6) Communication (days)	0		-

INFO

**TOTAL MISSION EXPENSES****€0.00**

<b>TOTAL</b>	€	-
<b>TOTAL COST PER HOUR</b>	€	-
<b>TOTAL COST PER DAY</b>	€	-

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**EXTRA REMARKS/JUSTIFICATIONS (IF APPLICABLE)**

2.1 Fuel and lubricants Detailed calculation	Fuel	Lubricants	Total unit price per hour
Price per liter (EUR)			
No of liters/hour at average speed			
Total per hour (EUR)	0	0	0

MANDAYS Detailed calculation	Crew	Others	Total
Number of persons			
Days	0		
Mandays	0	0	0

CRATE Reg. No.:			
TYPE / NAME OF VESSEL:	OPV		
CALL SIGN:			
JOINT OPERATION:			
LAST DAY OF MISSION (dd/mm/yyyy):			
NUMBER OF CREW MEMBERS:			
PERFORMANCE	transfer	op. area	total
DURATION OF MISSION (DAYS):			0
TOTAL RUNNING HOURS:			0.00
AVERAGE NUMBER OF RUNNING HOURS PER DAY	0.00	0.00	0.00

\*) Costs specified in the below REM categories did not receive co-financing from any other EU fund

### 1 - FIXED VESSEL EXPENSES

1.1) Dry-Docking and Special Survey expenses:	5 years	
1.2) Vessel's New Equipments:	5 years	
1.3) Original cost of the vessel (or reconstruction costs):	Total	
- Duration of depreciation in years (25y for metal - 15y for plastic)	25	
- Starting date of depreciation (dd/mm/yyyy):	23/09/2002	

①  
INFO

TOTAL FIXED EXPENSES

€0.00

### 2 - VARIABLE VESSEL EXPENSES

Category (Unit)	No of units	Unit price	Total
2.1) Bunkers and lubricants (hours)	0		-
2.2) Port expenses (days)	0		-
2.3) Agency fees and voyage costs (days)	0		-
2.4) Service Support (days)	0		-
2.5) Additional / Extra Equipment (lump sum)	1		-

①  
INFO

TOTAL VARIABLE EXPENSES

€0.00

### 3 - MISSION EXPENSES

Category (Unit)	No of units	Unit price	Total
3.1) Allowances (mandays)	0		-
3.2) Victual ling (mandays)	0		-
3.3) Other crews expenses (mandays)	0		-
3.4) Store and spare parts (days)	0		-
3.5) Hull and machinery insurance (days)	0		-
3.6) Club calls (days)	0		-
3.7) Safety equipment (lump sum)	1		-
3.8) Certificate (lump sum)	1		-
3.9) Repairs and maintenance (days)	0		-
3.10) Communication (days)	0		-

①  
INFO

TOTAL MISSION EXPENSES

€0.00

TOTAL	€	-
TOTAL COST PER DAY	€	-
TOTAL COST PER HOUR	€	-

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

EXTRA REMARKS/JUSTIFICATIONS (IF APPLICABLE)

2.1 Bunkers and lubricants Detailed calculation	Bunkers	Lubricants	Total unit price per hour
Price per liter (EUR)			
No of liters/hour at average speed			
Total per hour (EUR)	0	0	0

MANDAYS Detailed calculation	Crew	Others	Total
Number of persons			
Days			
Mandays	0	0	0

# ANNEX VI - INTERIM / FINAL\* FINANCIAL STATEMENT

SFD number: 2017/...../SBS

Project name: JO Triton 2017

Partner:

ATTENTION: One financial statement has to be filled in for one SFD.

I.	ELIGIBLE DIRECT COSTS	FORESEEN COSTS IN EUR (please copy the amounts from the estimated budget)	REAL COSTS BORNE (NO OF MANDAYS/ UNITS)	REAL COSTS BORNE (MANDAY COST/ UNIT PRICE IN EUR)	TOTAL REAL COSTS BORNE IN EUR
I.1	Staff costs				
	Travel costs				
	Daily subsistence allowances **				
	Accommodation **				
	Vaccination				
	Special insurance				
	Health care				
I.2	Running Expenses of Means (REM) ***				
	please specify				
	please specify				
	please specify				
I.3	Other eligible direct costs				
	please specify				
	please specify				
	please specify				
	<b>TOTAL ELIGIBLE DIRECT COSTS</b>				
II.	<b>ELIGIBLE INDIRECT COSTS (OVERHEADS)</b>				
II.1	Max. 7% of total eligible direct costs				
I+II	<b>TOTAL ELIGIBLE COSTS OF THE ACTIVITY</b>				
FRONTEX CO-FINANCING		100.00%			
MS CO-FINANCING		0.00%			
PRE-FINANCING RECEIVED:					
INTERIM PAYMENT RECEIVED:					
REQUEST FOR INTERIM / FINAL* PAYMENT (FRONTEX CO-FINANCING MINUS PREVIOUS PAYMENTS)					

\* Final payment has to be requested within 75 days after the end date of the activity as defined in a SFD

\*\* It is necessary to specify the number of man-days and amounts per country in order to check that accommodation and daily allowance rates respect EU ceilings.

\*\*\* If means are used, it is necessary to attach a REM sheet per each means deployed in the operation.

The Partner confirms that the costs included in the Final Financial Statement above did not receive co-financing from any other EU fund. This is also valid for REM costs (if applicable), including depreciation costs. In case they did receive co-financing, the relevant reductions were made.

Name and signature of the authorised person

