

Mr Adrian Blanco Ramos

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Our ref: CGO/LPU/92/2018  
Please quote when replying.

Warsaw, 6 February 2018

**Request for access to Frontex documents**

Dear Mr Blanco Ramos,

This letter is in response to your application received on 3 January 2018, for which the time-limit was extended for another 15 working days on 26 January 2018<sup>1</sup>, on requesting documents which contain the following information related to the European Union Naval Force Mediterranean (EUNAVFOR Med), also known as Operation Sophia:

- All incident reports reported to Frontex in 2015<sup>2</sup> during any action undertaken by Frontex in the context of this operation.

The request included, when available, the following details included in the incident reports:

- Unit
- Reporting Time
- Place of incident / GPS
- WMO Sea State Code
- Description of the incident
- Persons involved
- Details of the persons involved
- Witness/Offender
- Actions
- Measures
- Time of requesting SAR / medical assistance / reinforcements.
- Measures taken in this case. (Facilitator arrested/ item seized / -Collecting of evidence / registration of migrants)

I am pleased to inform you that Frontex agrees to grant you access to the relevant documents. Please note, however, that limited parts of the documents you have requested fall under an exception to public access to documents as stated in Article 4 of Regulation (EC) No 1049/2001 and have therefore been blanked out with detailed justifications in a separate sheet.

Please find the documents in the attachment. I hope you will find them useful.

<sup>1</sup> Article 7(3) of Regulation (EC) No 1049/2001.

<sup>2</sup> Based on a fair solution on 15 January 2018.

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

Yours sincerely,



for and on  
BEHALF OF

Hervé Caniard  
*Head of Transparency Office*

Pursuant to Article 7(2) of Regulation (EC) No 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:**

Incident sheets (in total 12)  
Justification sheet

A	<p>The non-disclosed text relates to sensitive operational and intelligence information, crucial for situational awareness at the external borders of the EU which is used for risk analysis and in turn, operational decision making by the Agency. Disclosing this information will negatively affect the effectiveness of Frontex operations as the risk analysis based on this information and used by Frontex to run its operations would become common knowledge, rather than intelligence to combat crime and prevent illegal cross-border activity. If this information would become public the efforts carried out by the European Union and Member States to curtail criminal activities would be undermined.</p> <p>Furthermore, there is a real risk that disclosing all the variables and the information therein would benefit organised crime groups who would change their modus operandi accordingly, thus putting the life of migrants in danger. The disclosure of those variables is therefore refused, as it would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) of the 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.</p>
B	<p>The non-disclosed text relates to the vessel data, containing information regarding the name, type and number of technical equipment deployed in operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of operations and exposing law enforcement officials and their assets to security risks. As a result, the course of ongoing and future similar operations will be hampered, ultimately defeating their purpose to counter and prevent cross-border criminality as well as prevent unauthorized border crossings. In this light, the disclosure of such information would undermine the protection of the public interest as regard to public security in the sense of Article 4(1)(a) of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents.</p>

