

Mr Luisa Izuzquiza

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Our ref: CGO/LPU/3598a/2018

Please quote when replying.

Warsaw, <sup>27</sup> March 2018

## Your application for access to Frontex documents

Dear Ms Izuzquiza,

In response to your application of 14 February 2018, which has been registered on 14 February 2018, which you based on the fact that

*Operation Triton 2016 and 2017 have now officially come to an end, and that a new and different operation, JO Themis, is currently underway in the Central Mediterranean.*

And in which you asked for access to

- all contracts, agreements and/or contractual statements signed with Spain, Sweden, Denmark, Finland and Norway in regards to Joint Operation Triton 2016; and
- all contracts, agreements and/or contractual statements signed with Spain, Sweden, Denmark, Finland and Norway in regards to Joint Operation Triton 2017.

*I am particularly interested, for each of the above-mentioned Member States, in the following documents:*

- *Specific Financing Decision*
- *Request for Pre-Financing*
- *Acknowledgement of Receipt*
- *Request for Interim/Final Payment*
- *Forms for the calculation of the contribution,*

please be informed that access to the documents you applied for pertaining to Joint Operation Triton 2016 and 2017, must be refused pursuant to the first indent of Article 4(1)(a) of Regulation (EC) No 1049/2001 as this would undermine the protection of the public interest as regards public security.

As indicated in our letter to you of 23 February 2018 in regard to your application CGO/LPU/2764a/2018, after the conclusion of joint operations, the evaluation phase commences and only after the conclusion of this phase, the release of documents can be reconsidered. As stated in our response, the evaluation of Joint Operation Triton 2017 is under way.

In regard to Joint Operations Triton 2016, the evaluation of this Operation informed the conceptualization of Joint Operation Triton 2017 and flew in the drawing up of the currently ongoing Joint Operation Themis. Consequently, disclosing documents of this Operation would be tantamount to disclosing the exact type, capabilities and weaknesses of human resources and equipment made

<sup>1</sup> Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

available, as well as usual positions of equipment supplied, and would consequently open the way for abuse. The result of this would only be to hamper the course of the ongoing, but as has been shown, also of future similar operations, and would ultimately obstruct their purpose to counter and prevent cross-border crime and unauthorized border crossings. This would benefit the smuggling networks that would change their modus operandi accordingly and result in putting the life of migrants in danger.

For these reasons, releasing documents related to Joint Operation Triton 2016 and 2017 is not possible.

Yours sincerely,

**signed**

Hervé Caniard  
*Head of Transparency Office*

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, within 15 working days of the receipt of this letter, you may submit a confirmatory application to Frontex to reconsider its position. Based on Article 8 of Regulation (EC) No 1049/2001, Frontex will reply to you within 15 working days from registration of such application. You can submit a confirmatory application by post or electronically.