



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels

***By registered letter with acknowledgment of receipt***

HOME.B1/ID

Mr Peter Burt  
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***Advance copy by email:***  
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**Subject: Your application for access to documents – GESTDEM 2020/4816**

Dear Sir,

We refer to your e-mail dated 11/08/2020 in which you make a request for access to documents, registered on 13/8/2020 under the above-mentioned reference number.

You request access to “copy of all reports held by the Directorate General Migration and Home Affairs (DG HOME) on the evaluation of operations conducted by DG HOME using drones for border control / monitoring of illegal immigration.”.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.

Neither our Directorate General nor other services of the Commission have competence to conduct border surveillance operations or other tasks related to border control as defined by the Schengen Borders Code<sup>1</sup> or set out by other relevant binding act of Union

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<sup>1</sup> 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) (codification) OJ L 77, 23.3.2016, p. 1.

law, notably Regulation (EU) 2019/1896 on the European Border and Coast Guard<sup>2</sup>, (hereinafter: the EBCG Regulation).

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

(e-signed)

Monique PARIAT

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<sup>2</sup> OJ L 295 of 14.11.2019