

Mr Luisa Izuzquiza

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Our ref: CGO/LPU/2764a/2018

Please quote when replying.

Warsaw, **23** February 2018

Your application for access to Frontex documents

Dear Ms Izuzquiza,

In response to your application of 2 February 2018, which has been registered on 2 February 2018, asking for access to

Joint Operation Triton Operational Plan for 2017, including:

- *Main part of the Operational Plan;*
- *all annexes; and*
- *the Handbook to the Operational Plan.*

I am pleased to inform you that Frontex agrees to grant you access to the *Handbook to the Operational Plan for Joint Maritime Operations*. You may find the document attached.

Please note, however, that some limited parts of the document fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001¹, and have therefore been blanked out with detailed justifications next to them.

In regard to your request for the “Main part of the Operational Plan” and “all annexes”, please be informed that access to the requested documents must be refused pursuant to the first indent of Article 4(1)(a) 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.

While Joint Operation Triton 2017 was concluded on 31 January 2018 only, on 1 February 2018 the evaluation of the operation has commenced. After the conclusion of the evaluation, the reports are going to be shared with all States participating in Joint Operation Triton 2017.

As findings of these evaluations will flow into the adjustment of other joint operations, granting access to the Operational Plan of Joint Operation Triton 2017 and all annexes at this stage would not only hamper the evaluation of Joint Operation Triton 2017 but would eventually jeopardize the effective control and surveillance of external sea borders of the EU and the fight against cross-border crime. This would benefit the smuggling networks that would change their modus operandi accordingly, thus putting the life of migrants in danger. Consequently, releasing the *the Main part of the Operational Plan and all annexes at this point* would ultimately undermine the protection of the public interest as regards public security.

Only after the conclusion of the evaluation, the release of documents of this Joint Operation can be reconsidered

¹ 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).

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 your confirmatory application by post or electronically.