

Ms Luiza Izuzquiza

Email: ask+request-4742-3e24714f@asktheeu.org

Our ref: CGO/LAU/24458/2017
Please quote when replying.

Warsaw, 21 November 2017

Request for access to Frontex documents

Dear Ms Izuzquiza,

With reference to your application received on 27 October 2017, requesting “all Biweekly Analytical Updates for JO EPN Triton produced for the period starting 3 July 2017 to 8 October 2017, both dates” being inclusive:

We are pleased to inform you that Frontex agrees to grant you partial access. You may find the documents in attachment.

Please note, however, that some limited parts of the documents you have requested fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001 of 30 May 2001, and have therefore been blanked out with numbers relating to detailed justifications next to them.

Number 1 - relating to Operational Area

The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the coordinates of the operational areas of previous years, would be tantamount to disclosing the current operational areas.

The result of this will only be to hamper the course of the ongoing operations, by depriving them of any strategy and element of surprise during border surveillance, ultimately obstructing 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) of Regulation 1049/2001.

Number 2 - relating to Sensitive Operational Information

The non-disclosed text pertains to 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 publicly will undermine 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 jeopardized.

Number 3- relating to Relationship With Third Countries

The non-disclosed text contains intelligence analysis and subjective assessment of the internal situation in third countries with explicit references to the existing vulnerabilities. Disclosure of this sensitive data undermines the trust placed in by them in Frontex. Once the relationship between Frontex and the third countries is impaired it may well be that these countries will react by refraining from cooperating with

Frontex. The cooperation with third countries is crucial for Frontex to develop a pre-warning mechanism which analyses the migratory flows towards the EU and to carry out risk analysis which is to be applied by both Frontex and the Member States while setting the adequate tools at both EU and national level to perform efficient border control, to prevent cross-border crime such as facilitation of irregular immigration, trafficking in human beings and terrorism. Without the cooperation, the risk analysis will be jeopardized and consequently the follow-up measures to be taken will not be the most adequate to ensure a proper level of border security.

This risk is realistically foreseeable and therefore, Frontex concluded that the disclosure undermines the protection of the public interest as regards international relations and public security in the sense 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.

We hope you will find these documents useful.

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

Yours sincerely,



Hervé Caniard
Head of Legal Affairs Unit

Attachments:

- Ref 16180/2017 - 3-16 July 2017
- Ref 17508/2017 - 17-30 July 2017
- Ref 18916/2017 - 31 Jul-13 Aug 2017
- Ref 19391/2017 - 14-27 August 2017
- Ref 20715/2017 - 28 Aug-10 Sep 2017
- Ref 21628/2017 - 11-24 September 2017
- Ref 22634/2017 - -25 Sep-8 Oct 2017

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 documents or our intention to refuse access, as explained above, will be confirmed. The confirmatory application can be sent by post or electronically.