

Ms Lucia Gennari

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Our ref: CGO/LPU/5323a/2018

Please quote when replying.

Warsaw, 27 March 2018

Your application for access to Frontex documents

Dear Ms Gennari,

In response to your application of 7 March 2018, registered on 7 March 2018 for which you established proof of eligibility on 7 March 2018, asking for access to '[...] documents which contain the following information: Themis operational plan' including:

'[...] how this new operation will concretely work: the states involved, the composition of the European Border and Coast Guard teams, which kind of tasks will be assigned to the teams, their responsibilities, if it's possible the chain of command, where the teams will operate exactly, which resources, instruments and technical equipment are or will be deployed, detailed description of the modus operandi and aims of the operation',

I regret to inform you 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 documents¹. The disclosure of documents containing information concerning the ongoing Joint Operation Themis 2018 would undermine the protection of the public interest as regards public security.

Namely, this refusal is justified by the fact that Joint Operation Themis is ongoing. Frontex does not provide public access to documents concerning ongoing activities as disclosing this information publicly will disturb the effectiveness of Frontex ongoing and also of future similar operations and if this information became public the efforts carried out by the European Union and Member States to curtail criminal activities would be undermined. Furthermore, there is a real risk that disclosing all the variables and the information therein would benefit the smuggling networks who would change their modus operandi accordingly, thus putting the life of migrants in danger.

However, I would like to draw your attention to our press release and official video animation, available at:

Press release:

<https://frontex.europa.eu/media-centre/news-release/frontex-launching-new-operation-in-central-med-yKqSc7>

Official video animation:

<https://frontex.europa.eu/media-centre/videos/joint-operation-themis-i9pnjL>

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.