

Ms Luisa Izuzquiza

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Our ref: CMS-2018-00009-0433  
Please quote when replying.

Warsaw, <sup>09</sup> November 2018

## Your application for access to Frontex documents

Dear Ms Izuzquiza,

In response to your application, for which a fair solution was found and your application registered on 30 October 2018, asking for access to

*For Joint Operation Triton 2015:*

- one invitation letter with all annexes sent to one MS;
- all PPTs of all stakeholders during evaluation meetings; and
- the final evaluation report.

*As well as:*

- the minutes of the evaluation meeting held for all land border operations 2015,

Please be informed that the documents regarding “minutes of the evaluation meeting held for all land border operations 2015” could not be released as they contain detailed information regarding the modus operandi of law enforcement officials performing border control. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. Consequently, the release of the information contained in the documents would undermine the protection of the public interest as regards public security.

Furthermore, these documents contain information regarding the technical equipment deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities and weaknesses of the equipment, as well as their usual position, opening way for abuse. The result of this would only be to hamper the course of ongoing and future similar operations, ultimately obstructing their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the release of the information contained in the documents would undermine the protection of the public interest as regards public security.

Finally, the documents contain detailed information related to reporting tools and methods used by law enforcement officials used to efficiently perform border control tasks and counter illegal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration, trafficking in human beings and terrorism as the effectiveness of law enforcement measures would be significantly reduced. Consequently, the release of the information contained in the documents would undermine the protection of the public interest as regards public security.

As the redacting would be disproportional in relation to the parts that are eligible for disclosure, simultaneously undermining the principle of sound administration. More specifically, the administrative burden necessary to identify and redact the releasable materials would be disproportionate to the public

interest in the disclosure exercise itself, while the released documents would not convey any informative value due to their significantly reduced form.

Accordingly, the documents are cannot be disclosed pursuant to the exception laid down in of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

I am pleased to inform you that Frontex can grant you access to five documents, which you may find attached. Please note however that some limited parts of the documents you have applied for fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001<sup>1</sup>, and have therefore been expunged with detailed justifications.

Kindly be reminded 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 Transparency Office



**Attachments:**

- PAD\_4\_ICC - Briefing 20 Gennaio 2016 (52 pages)
- PAD\_8-SE Frontex PP ROMA (23 pages)
- PAD\_1-20160120-EVALUATION MEETING (30 pages)
- PAD\_2-IT CG TRITON (11 pages)
- PAD\_15.12.11 Invitation Letter (1 page)
- *EPN Concept Jo EPN Triton 2015 (52 pages)*

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.

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<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).