Misses Helen Darbishire and Estela Casajuana

Email: ask+request-6169-fed23a14@asktheeu.org

Our ref: TO/ CMS-2019-00001-0534
Please quote when replying.

Warsaw, 8 March 2019

Your application for access to Frontex documents

Dear Misses Helen Darbishire and Estela Casajuana,

In reference to your application registered on 11 January 2019, for which the precise scope was defined on 31 January 2019 and the deadline was extended on 18 of February 2019 by 15 working days and in which you are applying for access to

documents held by Frontex on National Return Operations and Joint Return Operations supported by Frontex for the periods 2014-2018 and 2016-2018 respectively.
We can confirm that the data that we specifically looking for this information for each Return Operation the Agency supervised would include, at a minimum, for each operation:
- destination;
- date of departure;
- name of the airline company which provided the flight;
- organising State;
- participating States;
- total number of third country nationals returned;
- number of Frontex staff on board;
- number of escorts and observers on board;
- *number of monitors on board;*
- *type of operation;*
- *total costs of the operation for Frontex;*
- total costs of the operation for Member States.

Please be informed that Frontex does not hold documents on National Return Operations "supported by Frontex" for the period January 2014 to March 2016 (including). Also, Frontex does not hold documents regarding the **twelfth indent.**

Regarding the **seventh** and **eighth indent** please be informed that documents containing this cannot be extracted from the database based on a normal, routine search with the existing search tools.

I am pleased to inform you that Frontex can grant you access to the documents regarding the **first, second, fourth, fifth, sixth, ninth, tenth** and **eleventh** indent for National Return Operations "supported by Frontex" for the period April 2016 to December 2018 and Joint Return Operations "supported by Frontex" for the period January 2016 to December 2018. In regard to the **third indent,** access to data including *name of the airline company which provided the flight* must be refused, since it contains detailed information regarding return operations of third-country nationals. Disclosing such information would harm ongoing and future operations, putting at risk the efforts made by the European Union and its Member States to return such nationals who are subject to national return decisions. This

could constitute a criminal offence and/or endanger the public order as well as Member States' security and, concretely, besides jeopardizing the orderly conduct of return flights pose a hazard to the safety of aircraft, its passengers and crew. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001[1] and therefore must be refused.

Kindly be reminded that the copyright of the documents rests with Frontex and making these works, communicated solely to you in this form and forum, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please also note that Frontex does not assume liability stemming from the use of the documents.

Yours sincerely,

signed

Hervé Caniard
Head of Transparency Office

Attachments: (4 documents)
- JRO -NRO 2016
- JRO -NRO 2017
- JRO -NRO 2018
- JRO -NRO 2016-2018

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 the registration of such application. You can submit your confirmatory application by post or electronically.

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[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).*