Ms Ute Gerbershagen
Email: ask-request-6484-c938e27b@asktheeue.org
Our ref: TOV CMS-2019-00003-0041

Warsaw, March 2019

Your application for access to Frontex documents

Dear Ms Gerbershagen,

In response to your application acknowledged on 5 March 2019, asking for access to

A copy of the following (serious) incident reports for Operation Triton from Oct 2017 to termination:

Incident reports for incident numbers,

218101, 218105, 218162, 218173, 218200, 218220 , 218248, 218249, 218262, 218263, 218347, 218361, 218363, 218364, 218370, 218371, 218383, 218426, 218436, 218438, 218441, 218442, 218444, 218593, 218603, 218607, 218697, 218716, 218724, 218738, 218755, 218762, 218767, 218772, 218800, 218801, 218823, 218843, 218850, 218853, 218870, 218872, 218879, 218880, 218896, 218977, 218994, 219104, 219122, 219153, 219204, 219338, 219393, 219646, 219976, 220047, 220179, 220471, 220472, 220473, 220483, 220667, 220668, 220675, 220688, 220708, 220710, 220712, 220714, 220734, 220735, 220737, 220738, 220753, 220761, 220783, 220831, 220832, 220834, 220835, 220837, 220840, 220841, 220842, 220845, 220848, 220861, 220884, 220906, 220909, 220912, 220917, 220921, 220924, 220928, 220931, 220934, 220972, 220989, 221016, 221018, 221035, 221036, 221059, 221077, 221079, 221145, 221151, 221169, 221228, 221278, 221317, 221552, 221554, 221777, 221810, 221828, 221936, 222223, 223376, 223587, 223591, 223601, 223672, 223676, 223682, 223683, 223772, 223773, 223787, 223790, 223792, 223794, 223795, 223798, 223801, 223823, 223824, 223827, 223828, 223830, 223831, 223834, 223835, 223839, 223840, 223851, 223853, 223854, 223855, 223856, 223857, 223858, 223873, 223876, 223906, 223920, 223950, 223952, 223954, 223956, 223957, 223958, 223971, 223980, 223983, 224029, 224039, 224041, 224042, 224067, 224095, 224103, 224140, 224762, 224826, 225349, 225444, 225471, 225490, 225601, 225607, 225661, 225663, 225664, 225671, 225728, 225729, 225730, 225734, 225742, 225747, 225753, 225976, 225977, 226071, 226072, 226103, 226104, 226105, 226136, 226138, 226139, 226148, 226149, 226200, 226202, 226591, 227047, 227048, 227051, 227088, 227111, 227458, 227513, 227534, 227536, 227549, 227550, 227583, 227846, 227878, 227879, 227910, 227912, 228031, 228148, 228399, 228437, 228445, 228451, 228494, 228505, 228523, 228526, 228531, 228535, 228539, 228541, 228542, 228544, 228546, 228550, 228557, 228578, 228602, 228603, 228604, 228612, 228656, 228657, 229072, 229425, 229512, 229516, 229517, 229518, 229524, 229549, 229551, 229736, 229745, 229762, 229768, 229834, 229839, 229879, 229896, 229904, 229934, 229935, 229943, 229946, 229947, 229949, 229950, 229951, 229952, 229969, 229971, 229984, 229987,
I note our common endeavour to accommodate your application for a very large number of documents for which a solution was found on 8 March 2019. Resulting in the registration of your application, the common solution found consists of considering your application for 288 “(serious) incident reports for Operation Triton from Oct 2017 to termination” as eight separate applications to be considered consecutively and with separate time-limits. Consequently, I am pleased that in regard to:

We hereby register your application for public access to the following 36 incident reports for Operation Triton from Oct 2017 to termination:

218101, 218105, 218162, 218173, 218200, 218220, 218248, 218249, 218262, 218263, 218347, 218361, 218363, 218364, 218370, 218371, 218383, 218426, 218436, 218438, 218441, 218442, 218444, 218593, 218603, 218607, 218697, 218716, 218724, 218737, 218738, 218755, 218762, 218767, 218772, 218800,

Frontex can grant you access and you may find the documents attached. Please note however that some parts of the documents for fall under an exception under Regulation (EC) No 1049/2001 and had to be expunged with detailed justifications explained in the attached legend based on a number code.

Kindly be reminded that the copyright of the documents rests with Frontex and making this work, 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 document.

Yours sincerely,

signed

Hervé Caniard
Head of Transparency Office

Attachment: Excel file containing 36 entries

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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### Disclaimers of Non-disclosure

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<thead>
<tr>
<th>1</th>
<th>Sensitive operational information intelligence</th>
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<td>The non-disclosed text pertains to information crucial for situational awareness at the external borders of the EU which is used for development of risk analysis and, in turn, the Agency's operational decision-making. As risk analysis used by Frontex to conduct its operations is based on the information at issue, its disclosure would disturb the effectiveness of Frontex operations and jeopardise the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. 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.</td>
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<td>The disclosure of those variables is therefore refused, as it would undermine the protection of the public interest as regards public security as provided in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</td>
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<th>2</th>
<th>Number and type of technical equipment</th>
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<td>The non-disclosed parts 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. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</td>
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<th>3</th>
<th>Operational Area of Joint Operation</th>
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<td>The non-disclosed parts contain information regarding the operational area. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing the coordinates of previous operational areas would be tantamount to disclosing the current operational areas. As a result, the course of the ongoing operations would be hampered by depriving officials of any strategy and element of surprise which could be exercised during border surveillance, ultimately defeating their purpose to counter and prevent cross-border criminality and to prevent unauthorized border crossings. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.</td>
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