

Ms Martina Tombini

Email: ask+request-7162-d3905b79@asktheeu.org

Our ref: DCGO/ CMS-2019-00010-0252

Initial application: TO/CMS-2019-00010-0252

Warsaw, 14 November 2019

Your application for access to Frontex documents - confirmatory application

Dear Ms Tombini,

I write in reference to your confirmatory application registered on 23 October 2019 in follow-up to your initial application CMS-2019-00008-0643, noting your application for “documents which contain the following information” to which we replied on 20 September 2019, and note that in your confirmatory application you state that

The full reading of Article 10.3 indeed states:

3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.

In refusing to share the information I requested in a machine readable format, you are not taking into regard my preference as an applicant and you are therefore not complying fully with Article 10.3 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents. This way, not only can I not process this information correctly, but you are clearly infringing my right of access to documents.

I further note our common endeavours to specify the scope of your application, CMS-2019-00008-0643 where you indicated on 4 September 2019

... I am only interested to have a spreadsheet (if you have any) with the following elements included for each return operation

Our suggestion of 5 September 2019 and your confirmation of that date only referred to “spreadsheets”.

Following our reply to your initial application of 20 September 2019, by mail of 23 September 2019, you requested

For ease of use, I would highly appreciate if you could send me the spreadsheets in a machine-readable format, as per article 10.3 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

In our reply of the same date, we explained

As required by Article 10(3) of Regulation (EC) No 1049/2001, we have made the documents available in an "existing version", i.e. the version resulting from the extraction and necessary redaction, which resulted in the form and format made available to you.

Consequently, I note that our reply of 20 September 2019 already contained a spreadsheet as indicated by you on 4 September 2019 and confirmed on 5 September 2019. Only on 23 September 2019, thus after our reply, you asked for a "spreadsheet in a machine readable format".

Consequently, our reply to your initial application contained the spreadsheets you had applied for initially and had confirmed, without further specifications, again on 5 September 2019 and were made available to you in the version and format existing after necessary redactions.

In accordance with Article 8(1) of Regulation (EC) No 1049/2001, you are entitled to institute court proceedings; and/or make a complaint to the European Ombudsman, under the relevant provisions of the Treaty on the Functioning of the European Union.

Yours sincerely,



Olivier Ramsayer

Director of Corporate Governance