

Mr Giulio Occhiuto

Email: ask+request-7210-d03f5c7d@asktheeu.org

Our ref: TO/CMS-2019-00008-0389
Please quote when replying.

Warsaw, 9 September 2019

Your application for access to Frontex documents

Dear Mr. Occhiuto,

With reference to your application registered on 13 August 2019, for which the timelines were suspended on 14 August 2019 and - after establishing the scope of your application - reinstated on 20 August 2019, resulting of which you were asking for access to:

JO in Albania

- 1) *A copy of the handbook to the operational plan for joint operations in the territory of a third State*
- 2) *MSs participating to the JO and host State(s);*
- 3) *Sector of the border in which the operation is carried out (I don't want to know the exact position of the operation, but the bordering nation: e.g. the Greek-Albanian border);*
- 4) *Team member's duties;*
- 5) *Estimated period of the operations;*
- 6) *Technical equipment;*
- 7) *A copy of the agreement with the relevant authority of Albania allowing Frontex to operate in his territory,*

please be informed that in regard to point 1, access to the handbook must be refused pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001¹ as it contains detailed information on the modus operandi of this operation. Disclosing such information would expose the working methods applied in this ongoing and also in future operations, thus obstructing their effectiveness in the prevention of cross-border crime and unauthorized border crossings and, in consequence, undermine the protection of the public interest as regards public security. This would benefit criminal networks, enabling them to change their modus operandi and consequently result in hampering the course of this ongoing and also of future similar operations, which would ultimately put the life of migrants in danger. Consequently, releasing the handbook at this stage 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.

A partial release of the handbook could not be undertaken, as its redaction 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,

¹ 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 documents (OJ L 145, 31.5.2001, p. 43).

while the released documents would not convey any informative value due to their significantly reduced form. Consequently, a partial disclosure of the handbook must be refused owing to the particular circumstances of the present case.

As points 2, 3, 4, 5 and 6 of your application constitute requests for information, the Media and Public Relations Office will respond to you in this framework and thus outside the framework of Regulation (EC) No 1049/2001. This also applies to the publicly available document in regard to point 7.

Yours sincerely,

RP. 

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