

Ms Luisa Izuzquiza

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Our ref: TO/CMS-2019-00010-0371  
Please quote when replying.

Warsaw, 28 November 2019

## Your application for access to Frontex documents

Dear Ms Izuzquiza,

In response to your application registered on 14 October 2019, asking for access to

*For the period between 1 January 2016 to date:*

- *a list of all meetings held by Frontex with the following companies' representatives and/or intermediaries for these companies: Israel Aerospace Industries (or IAI), Elbit Systems, and/or CEiiA. The list should include: date of the meeting, individuals attending and their organisational affiliation, as well as the issues discussed;*
- *all minutes and other reports of these meetings;*
- *all correspondence, including attachments (including, but not limited to, emails, letters, and/or telephone call notes), between Frontex and any of the three companies mentioned above, including any intermediaries representing their interests; and*
- *all documents prepared for the purpose of these meetings and/or exchanged during the course of these meetings,*

and for which the timelines have been suspended between 28 and 30 October 2019 to ascertain the scope in particular of indent three, based on which this indent refers to

*all correspondence exchanged from 1 January 2016 to 8 October 2019 on any topic, hence including - but not limited to - exchanges related to meetings.*

I further note that the time limit has been extended by 15 working days on 7 November 2019<sup>1</sup>.

Please find 11 documents herewith attached. Please note however that limited parts of the documents had to be expunged as they contain personal data, in particular, the name of an individual. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.

Further 15 documents were identified through the search mechanisms available to Frontex. Access to these has to be refused as they contain

- personal data, as indicated above;
- information regarding the technical equipment deployed in an operational area. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment and would enable third parties, e.g. by combining this information with other sources, to draw conclusions regarding usual positions and movement patterns. This would

<sup>1</sup> Based on Article 7(3) of 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).

open way for abuse, as numbers, types and specifications of equipment used are indicative of similar equipment used for succeeding years. Releasing such information would thus benefit criminal networks, enabling them to change their modus operandi and, consequently, result in hampering the course of ongoing and future operations of a similar nature. This would ultimately obstruct the purpose of such operations: to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of information regarding the technical equipment deployed 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;

- information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of operations and pose a risk to their security. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001;
- information related to reporting tools and methods used by law enforcement officials used to conduct border control tasks and counter criminal 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. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

A partial release of these documents cannot be undertaken, as their 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, while the released documents would not convey any informative value due to their significantly reduced form. Consequently, the partial disclosure of the documents at issue must be refused owing to the particular circumstances of the present case.

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

Pursuant to Article 7(2) of Regulation (EC) 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) 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.

Yours sincerely,

**signed**

Hervé Caniard  
Head of Transparency Office

**Attachments: 11 documents, 39 pages**

**draft AGENDA****Frontex - EMSA RPAS deployment in Greece - preparatory meeting 13.03.2019**

|        |            |
|--------|------------|
| Date:  | 13.03.2019 |
| Venue: | Frontex HQ |
|        |            |

|               |   |                        |
|---------------|---|------------------------|
| 13 March 2019 | Frontex - EMSA - Elbit pre-deployment meeting   | Frontex, EMSA<br>Elbit |
| 14:30 - 14:45 | <ul style="list-style-type: none"><li>• Opening - introduction of participants</li></ul>            |                        |
| 14:45 - 15:00 | <ul style="list-style-type: none"><li>• General concept of RPAS deployment in Greece</li></ul>      | Frontex                |
| 15:00 - 15:20 | <ul style="list-style-type: none"><li>• Technical and operational needs of the deployment</li></ul> | Frontex                |
| Coffee break  |   |                        |
| 15:30 - 15:45 | <ul style="list-style-type: none"><li>• Visit in MAS room (Command and Control)</li></ul>           |                        |
| 15:45 - 16:15 | <ul style="list-style-type: none"><li>• EMSA involvement in RPAS deployment in Greece</li></ul>     | EMSA                   |
| 16:15 - 17:00 | <ul style="list-style-type: none"><li>• Technical details of the deployment</li></ul>               | Elbit                  |





## MEETING RECORD

### Preparatory meeting Frontex-EMSA RPAS deployment in Greece

13 March 2019

14:30 - 17:00 CET

Frontex

|              |  |
|--------------|--|
| Chairperson: | [REDACTED] (Frontex)   |
| Note taker:  | [REDACTED]   |
| Attendees:   | [REDACTED] (Frontex)<br>[REDACTED] (Frontex)<br>[REDACTED] (Frontex)<br>[REDACTED] (Frontex)<br>[REDACTED] (EMSA)<br>[REDACTED] (EMSA)<br>[REDACTED] (CEIIA)<br>[REDACTED] (CEIIA)<br>[REDACTED] (ELBIT Systems)<br>[REDACTED] (ELBIT Systems) |

## Agenda

1. General concept of RPAS deployment in Greece
2. EMSA involvement in RPAS deployment in Greece
3. Visit in MAS room
4. Technical and operational needs of the deployment

## 1. General concept of RPAS deployment in Greece

### Discussion

Frontex introduced the Multi-Purpose Aerial Surveillance (MAS) concept as part of Eurosur Fusion Services and the different entities involved in planning and mission execution. It was emphasized that this RPAS deployment must follow the Frontex processes and procedures already established and proven to work for both manned and unmanned aerial surveillance operations for this RPAS deployment.

## 2. EMSA involvement in RPAS deployment in Greece

### Discussion

EMSA explained the high level contractual architecture with CEIIA being the prime contractor and ELBIT Systems the sub-contractor. EMSA also informed about other ongoing deployments under this Framework Contract and the state

of play of the contract in support of the Frontex deployment with the mobilisation request already issued to the contractor following the service request submission of Frontex, which means that there is a contractual foundation for cooperation in place.

### 3. Visit in MAS room

The meeting participants paid a visit to the MAS room to see the concept and the European Monitoring Team (EMT) in action. The purpose of the visit was to familiarize EMSA and the contractors with the way Frontex is executing aerial surveillance missions and its command and control function. Frontex also presented a selection of operational results from recent missions to underline that the concept and the associated processes are very mature and that Frontex has a clear expectation for the planned deployment.

### 4. Technical and operational needs of the deployment Discussion

Frontex explained the long lasting cooperation with the Hellenic authorities and the recent experience with deploying RPAS in Greece. It was emphasized that the Hellenic Coast Guard was very satisfied with the previous RPAS deployment, in particular the ability to scramble the aircraft at short notice was very welcome.

EMSA together with the contractors explained the current situation with the aircraft available in order to fulfil the service request. One available RPAS is currently deployed and another one is being prepared however pending export approval for a specific part does not allow to announce a readiness date. Considering that, the latest possible date for deployment is when the current deployment is going to come to an end.

The contractor stated that a survey at the deployment side and a discussion with the aviation authorities are required to commit to a specific date. Frontex confirmed that such a side survey will be organised and a meeting with the relevant actors to discuss permit to fly, airspace separation and logistics will be facilitated.

#### Actions items

Action Item 1: Frontex to organise a survey at the deployment side with the involvement of relevant national actors for the last week of March.

Action Item 2: EMSA to provide a firm date for deployment subsequent to the site survey assessment and results of the discussions with the national authorities.

Action Item 3: If needed, Frontex to organise a follow-on meeting potentially with high level national representation, tentatively scheduled for 9 April.