

## Decision of the Executive Director

No. R-ED-2016-119

### on the Transparency Office and on instructions for handling applications for public access to documents

of 03/11/2016

#### THE EXECUTIVE DIRECTOR,

Having regard to the European Border and Coast Guard Regulation<sup>1</sup>, and in particular Article 68(3) thereof,

Having regard to Management Board decision No. 25/2016 of 21 September 2016, adopting practical arrangements regarding public access to the documents held by Frontex, in particular Article 1.

Whereas:

- (1) Tasks should be assigned to the Head of the Transparency Office.
- (2) The Transparency Office requires the support of the Units which are best placed to locate documents in their thematic areas and assess to what extent those documents may be disclosed to the public.
- (3) There is a need to allocate tasks within the Agency to decide on initial and confirmatory applications pursuant to Management Board decision No. 25/2016 of 21 September 2016 and issue related detailed instructions.
- (4) There is a need to designate members of the staff (case-handlers) responsible for managing the transparency of the Agency towards applications for public access to documents in particular for the operational activities of the Agency.
- (5) In case of applications for access to a large number of documents, the applicant may be asked to pay a fee in accordance with Regulation (EC) No. 1049/2001<sup>2</sup> and with Management Board decision No. 25/2016 of 21 September 2016.

#### HAS DECIDED AS FOLLOWS:

<sup>1</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, OJ L 251, 16.09. 2016, p. 1

<sup>2</sup> 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

## Article 1

### Head of the Transparency Office

1. The tasks of the Head of the Transparency Office are assigned to the Head of the Legal Affairs Unit. He or she may issue instructions to the case-handlers for matters falling under the remit of public access to documents.
2. Once a year, the Head of the Transparency Office informs the reporting officer of each case-handler about the latter's performance in carrying out duties pursuant to the Decision of Management Board decision No. 25/2016 of 21 September 2016 and the present Decision.

## Article 2

### Transparency case handlers

1. A network of case-handlers from the Agency's Units is hereby set up in accordance with Article 2(d) of Management Board decision No. 25/2016 of 21 September 2016.
2. Case-handlers process applications for public access to documents in close cooperation with the Transparency Office and in accordance with the procedure laid down in Management Board decision No. 25/2016 of 21 September 2016 and the present Decision.
3. The persons assigned as case-handlers are those referred to in the Annex to this Decision. This Annex can be updated, as necessary, by a decision of the Director of Corporate Governance.

## Article 3

### Processing of applications

1. The responsibility for deciding on initial applications is assigned to the Head of the Transparency Office.
2. The responsibility for deciding on confirmatory applications is assigned to the Director of Corporate Governance, unless otherwise instructed, - on a case by case basis, by the Executive Director/Deputy Executive Director.
3. The Deputy Executive Director is informed by the managers mentioned in the previous paragraphs of applications which are sensitive. In turn, the Deputy Executive Director informs the Executive Director of particular-sensitive cases, as necessary.

## Article 4

### Charging a fee

1. In the framework of the right of access to documents held by Frontex, if the volume of the documents requested exceeds fifty (50) pages, the applicant may be charged a fee.
2. As regards the documents to be sent by post, the fee, aiming at covering the cost of producing and sending copies of the documents, is € 0,20 per page plus carriage costs.
3. Regarding documents disclosed via other media, the cost of preparation of the document is € 0,20 per page.
4. Upon registration, the Transparency Office forwards the application to the document holder who, within two working days, provides an estimate on the number of pages to be produced.
5. In case a decision to charge a fee is taken, the Transparency Office:

- a) notifies the applicant of the cost of processing the application (the fee).
- b) indicates the bank account number to which the corresponding amount must be transferred and the reference to be mentioned on the bank transfer.
- c) requests additional documents needed to process the application (the relevant Legal Entity form(s) depending on the applicant's status).


6. Failure to pay the fee or provide the required documents entitles the Agency to defer the disclosure of the documents requested. In that case the time-lines referred to in Articles 6 and 7 of Management Board decision No. 25/2016 of 21 September 2016 are suspended.

7. Upon confirmation of the bank transfer, the Agency sends the applicant the corresponding debit note.

#### Article 5

The Decision enters into force on the day following its signature by the Executive Director.

Done in Warsaw, on 03/11/2016

  
Fabrice Leggeri

Executive Director

Annex: Transparency case-handlers



ANNEX I

Transparency case-handlers

Non disclosed  
personal data  
(Art 4(1)(b)  
of Reg. 1049/  
2001)

Divisions/other entities	Case Handlers	
	Main	Alternate
Operations Division		
Joint Operations Unit		
Risk Analysis Unit		
Frontex Situation Centre		
Return Support Unit		
Capacity Building Division	Main	Alternate
Training Unit		
Research and Development Unit		
Pooled Resources Unit		
International and European Cooperation Unit		
Corporate Governance	Main	Alternate
Human Resources and Security		
Information and Communication Technology		
Finances and Corporate Services		
Fundamental Rights Office	Main	Alternate
Consultative Forum	Main	Alternate
Cabinet	Main	Alternate



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Fabrice Leggeri  
Executive Director

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