

Our ref: TO/PAD-2022-00415  
Please quote when replying.

Mr/Ms Anas Ambri

Email: ask+request-12039-201bad6b@asktheeu.org

Warsaw, 16 February 2023

## Your application for access to European Border and Coast Guard Agency (Frontex) documents

Dear Mr/Ms Ambri,

In reference to your application registered on 04 January 2023 for which the time limit has been extended by 15 working days on 26 January 2023<sup>1</sup>, asking for access to

*Copies of material used during trainings given to representatives of third-countries, from November 2020 and today, on the following topics:*

- \* Border Management*
- \* Media Relations*

*limited to the following documents:*

1. 21 01/08/2022 *Pre-return and Return Terminology in English for Border and Coast Guarding - Level B2: PREBCG/2022/01*
2. 22 01/09/2022 *English Language for Border and Coast Guarding - Level 1: EBCGLI/2022/29*
3. 25 18/10/2022 *CIRAM intensive course (AL)*
4. 29 27/09/2021 *Media Relations in the field of border management*
5. 39 05/07/2021 *Regional training on Fundamental Rights for Border Guards*

In relation to **point 1**, **71** documents have been identified. Please find them herewith attached. Kindly note that some parts of these documents are expunged as they pertain to the:

- **Modus operandi of law enforcement:** The non-disclosed parts contain detailed information regarding the modus operandi of law enforcement officials performing return and return-related activities. Disclosing such information would expose the working methods used in ongoing and future operations, putting at risk the efforts made by the European Union and its Member States to return third-country nationals who are subject to national return decisions. This would endanger the public order as well as Member States' security and, concretely, jeopardize the orderly conduct of return flights as well pose a hazard to the safety of aircraft, passengers and crew. In this light, the disclosure of such information would undermine the protection of the

<sup>1</sup> In accordance with 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).

public interest as regards public security as laid down in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 and therefore must be refused;

- **Reporting tools and methods used by law enforcement officials:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials 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 and trafficking in human beings 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.

In relation to point 2, 124 documents have been identified. Please find them herewith attached. Kindly note that some parts of these documents are expunged as contain detailed information regarding the modus operandi of law enforcement officials performing border control duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

In relation to point 4, one document has been identified. Please be informed that Frontex can grant you access to it, herewith attached.

In relation to point 5, 41 documents have been identified. Please find them herewith attached. Kindly note that some parts of these documents are expunged as they contain:

- **Modus operandi of law enforcement (general):** as per the above explanation;
- **Reporting tools and methods used by law enforcement officials:** as per the above explanation;
- **Personal Data:** The non-disclosed parts contain personal data, such as names of individuals and characteristic features which could lead to the identification of individuals. Their 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 have to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.

In relation to point 3, ten documents have been identified, access to which must be refused, as they contain: contain sensitive information on the cooperation or engagement with third countries. The unilateral release of this information would undermine the mutual trust between Frontex, Member States and third countries in the context of international relations. As a consequence, the disclosure of this information would undermine the protection of the public interest with regard to public security and international relations pursuant to Article 4(1)(a) first and third indent of Regulation (EC) No 1049/2001. Furthermore, the release of the information contained in the non-disclosed documents would also jeopardize the ongoing and future development and discussions taking place on the tools and mechanisms at European and national levels to conduct efficient border control and to prevent cross-border crime, such as the facilitation of irregular migration, human smuggling and trafficking in human beings. As

no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of these documents is ascertainable in the present case, they cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.

A partial release of the documents could not 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 elements would be disproportionate to the interest in the disclosure exercise itself, while the released documents would not convey any informative value due to its/their significantly reduced form. Consequently, a partial disclosure of the documents at issue must be refused owing to the particular circumstances of the present case.

Subject to any intellectual property rights of third parties, the document/s may be reused provided that the source is acknowledged and that the original meaning or message of the document/s is not distorted. Frontex is not liable for any consequence resulting from the reuse of this/these document/s.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, within 15 working days of the receipt of this reply, you may submit a confirmatory application.

A confirmatory application, indicating the reference of your initial application, may be submitted electronically to: <https://pad.frontex.europa.eu/padrequests/create>,

by mail to: European Border and Coast Guard Agency, Transparency Office,  
pl. Europejski 6, 00-844 Warsaw/Poland

or by email to: [pad@frontex.europa.eu](mailto:pad@frontex.europa.eu) or [frontex@frontex.europa.eu](mailto:frontex@frontex.europa.eu).

Based on Article 8 of Regulation (EC) No 1049/2001, Frontex will reply within 15 working days from the registration of such application.

Yours sincerely,

[Decision signed electronically]  
*Case Handler of the Transparency Office*