

Mr Andrew Connelly

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Please quote when replying.

Warsaw, 22 December 2017

Request for access to Frontex documents

Dear Mr Connelly,

This letter is in response to your application received on 29 November 2017, requesting:

- (1) The mandate of Frontex operational activities at the Bulgarian-Turkish border and the Bulgarian-Serbian border and any changes thereto.
- (2) If available, the training manual/guidance/standards of procedure given to Frontex personnel deployed at the Bulgarian-Turkish border and Bulgarian-Serbian border, specifically as to the required steps taken should a third country national expresses their intention to seek asylum.
- (3) Reports or, if they cannot be made public, the exact number, of push-backs witnessed by Frontex personnel deployed at the Bulgarian-Turkish border in 2016 and 2017.
- (4) Reports or, if they cannot be made public, the exact number, on incidents of violence or other violations of fundamental rights witnessed by Frontex personnel deployed at the Bulgarian-Turkish border in 2016 and 2017.
- (5) Reports or, if they cannot be made public, the exact number, of push-backs witnessed by Frontex personnel deployed at the Bulgarian-Serbian border in 2016 and 2017.
- (6) Reports or, if they cannot be made public, the exact number, on incidents of violence or other violations of fundamental rights witnessed by Frontex personnel deployed at the Bulgarian-Serbian border in 2016 and 2017.
- (7) The current number of Frontex personnel deployed at the a) Bulgarian-Turkish border and b) Bulgarian-Serbian border.

On point (1), I am pleased to inform you that Frontex agrees to provide you with requested documents with an exception that the request for ongoing Frontex operational activities 2017 has to be declined, as these operative documents contain sensitive operational information such as *modus operandi*, tasks and responsibilities of authorities involved, as well as operational areas and other information necessary for the conduct of the joint operation. Disclosing the operational plans of an ongoing operation would jeopardize the effective control and surveillance of external borders of the EU Member States and the fight against cross border crime, and would benefit the smuggling networks who would change their *modus operandi* accordingly, thus putting the life of migrants in danger. All this would ultimately undermine the protection of the public interest as regards public security, and for this reason access to the 2017 Operational Plans is refused pursuant to the exception laid down in Article 4(1)(a) of Regulation (EC) No 1049/2001 of 30 May 2001.

JO Focal Points Land 2016

JO Flexible Operational Activities Land 2016 for Border Checks

JO Flexible Operational Activities Land 2016 for Border Surveillance

JO REX 2017

With regard to finished operations, given that some limited parts of the documents fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001 of 30 May 2001, they have been removed with a detailed justification next to them.

On point (2), Frontex's Code of Conduct applicable to all persons participating in Frontex operational activities is Annex to the Operational Plans above and the Access to Asylum Procedures is a Practical Guide which is publicly available using this link:

http://frontex.europa.eu/assets/Publications/Training/Practical_Guide.pdf

On point (3), "push-backs", witnessed by Frontex personnel at the Bulgarian-Turkish border in 2016 and 2017, there are no documents available.

On point (4), witnessed by Frontex personnel at the Bulgarian-Turkish border in 2016 and 2017, there are no documents available.

On point (5), "push-backs", witnessed by Frontex personnel at the Bulgarian-Serbian border in 2016 and 2017, there are no documents available.

On point (6), witnessed by Frontex personnel at the Bulgarian-Serbian border in 2016 and 2017, there are no documents available.

On point (7), please be informed that the number of "Frontex personnel" deployed at the a) Bulgarian-Turkish border and b) Bulgarian-Serbian border as of 30 November 2017 was 62 and 22 respectively as of 21 December 2017.

Please find the documents in the attachment. I hope you will find them useful.

Finally, I would like to remind you that the copyright of the documents rests with Frontex and that the existing rules on copyrights may limit your right to reproduce or exploit the released documents.

Yours sincerely,

signed

Hervé Caniard
Head of Transparency Office

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may present a confirmatory application. This confirmatory application, in which you may ask for reconsideration of your original request is to be made within 15 working days of receiving our reply. If you make such an application, within 15 working days you will either be granted access to the document or our intention to refuse access, as explained above, will be confirmed. The confirmatory application can be sent by post or electronically.

ATTACHMENTS:

Joint Operation Focal Points Land 2016 + Annex
Joint Operation Flexible Operational Activities Land 2016 for Border Checks + Annex
Joint Operation Flexible Operational Activities Land 2016 for Border Surveillance + Annex
Joint Operation REX 2017 + Annex