

Mr Giulio Occhiuto

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Our ref: TO/ CMS- 2019-00004- 0728
Please quote when replying.

Warsaw, ¹⁴ May 2019

Your application for access to Frontex documents

Dear Mr Occhiuto,

In reference to your application registered on 25 April 2019, asking for access to

The Themis 2018 Operational Plan including the Main Part, all annexes and the Handbook of the operation,

Please be informed that access to the documents must be refused pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 as while Joint Operation Themis 2018 has already been concluded, the evaluation phase is currently ongoing. Findings of evaluations flow into the adjustment of currently ongoing joint operations and those planned for the near future. Thus, granting access to the documents at this stage would hamper its evaluation and ultimately jeopardize the European Union's and Member State's endeavours to counter and prevent cross-border crime and unauthorized border crossings. This would benefit criminal networks, enabling them to change their modus operandi and consequently result in hampering the course of ongoing and future similar operations, which would ultimately put the life of migrants in danger. Consequently, releasing the documents 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 1049/2001¹.

Yours sincerely,



Hervé Caniard

Head of Transparency Office

FOR AND
ON
BEHALF
OF

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.

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).