

Ms Ute Gerbershagen

Email: [ask+request-5957-acc80d09@asktheeu.org](mailto:ask+request-5957-acc80d09@asktheeu.org)

Our ref: CMS-2018-00009-0623a  
Please quote when replying.

Warsaw, 30 October 2018

## Your application for access to Frontex documents

Dear Ms Gerbershagen,

In response to your application of 24 September 2018 submitted together with your applications CMS-2018-00009-0624 and CMS-2018-00009-0626 and our following negotiation for a commonly acceptable fair solution - to process your applications successively - through our correspondence of 28 September 2018 and 30 September 2018, a solution was found on 9 October 2018 from which the timeline started to run, asking for access to:

*Serious Incident and/or Incident Reports for Incident Reports numbers:*

149205, 149549, 150769, 151863, 151984, 151985, 152052, 152149, 152311, 152551, 153103, 153106, 153597, 154258, 155613, 156240, 156256, 156274, 156299, 156530, 156544, 156551, 156576, 156581, 156582, 156583, 156604, 156638, 156639, 157199, 157659, 157736, 157738, 157776, 158322, 159323, 160569, 160613, 160616, 160862, 161107, 161509, 161857, 163133, 163267, 163364, 163505, 166693, 168104, 168314, 168385, 168570, 168736, 170369, 170509, 171820, 172876, 173211, 173289, 173380, 173602, 174404, 174983, 175079, 175435, 175821, 175822, 176902, 176925, 176946, 176994, 177106, 177872, 177931, 177981, 179143, 179251, 179260, 179294, 179297, 179620, 179655, 179657, 179658, 179769, 179989, 180140, 180392, 180455, 182137, 182161, 182781, 183112, 183151, 183168, 183171, 313159, 321346, 332139, 337285, 338529, 340077, 346582, 351238, 351623, 355773, 359321, 360856, 469804, 504296, 510201, 625237, 625257, 971320, 1008703

*from EPN Triton 2016,*


Please be informed that regarding application CMS-2018-00009-0623 Frontex does not hold Serious Incident Reports or Incident Reports under the numbers 313159, 321346, 332139, 337285, 338529, 340077, 346582, 351238, 351623, 355773, 359321, 360856, 469804, 504296, 510201, 625237, 625257, 971320 and 1008703.

In regard to the documents Frontex holds, I am pleased to inform you that we can grant you access to the documents it holds, which you can find herewith attached.

Kindly note however that some limited parts of the documents you have applied for fall under an exception to public access to documents as stipulated in Regulation (EC) No 1049/2001<sup>1</sup>, and have therefore been expunged with detailed justifications explained in the attached legend based on a number code.

<sup>1</sup> 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).

Kindly be reminded that the copyright of the documents rests with Frontex and that the existing rules on copyright may limit your right to reproduce or exploit the released documents.

Yours sincerely,  
  
Hervé Caniard  
Head of Transparency Office  
for AND ON BEHALF OF

**Attachment:**

- Incident Reports Table (96 entries)

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 registration of such application. You can submit your confirmatory application by post or electronically.