

Ms Anna Jikhareva

Email: [ask+request-6082-77f370d0@asktheeu.org](mailto:ask+request-6082-77f370d0@asktheeu.org)

Our ref: TO/CMS-2018-00011-0077  
Please quote when replying.

Warsaw, <sup>18</sup> December 2018

## Your application for access to Frontex documents

Dear Ms Jikhareva,

I write in reference to your application registered on 19 November 2018, for which a common fair solution has been found on 28 November 2018, asking for access to

- A set of documents for one return operation involving Frontex and Switzerland for the years between 2006 and 2016. For the years 2017 and 2018 a list including all return operations involving Switzerland and Frontex.
- Datas of the Joint Return Operations (JROs), coordinated by Frontex, in which Switzerland participated, including:
  - > The means of transport of each operation
  - > The date of departure of the operation
  - > The organising country or countries
  - > The destination country of the Return operation
  - > The nationality of the people that have been involved in the JRO's
  - > The total no. of returnees
  - > Monitors/Observes
  - > The total cost of each JRO
  - > The cost for Switzerland of each operation
  - > The percentage paid by Frontex
  - > In case of flights: The departure airport and the destination airport
  - > In case of flight: the flight number
  - > The airline company which has provided the flight
  - > In case that Frontex also coordinated Return operations by boat: The shipping company which has provided the Return operation by sea.
- > Dates and explanation about the number of unsuccessful or interrupted Returns
- Total number of Return Operations executed or co-executed by Frontex. (2006-2018)
- Total number of Return Operations by Frontex in cooperation with Switzerland. (2006-2018)

*In general, I ask of the detail for 2006-2018. I would like to have access to all registers you have collected of the present year until the date of today,*

I am pleased to inform you that Frontex can grant you access to the documents. Please find them herewith attached.

Please note however, that some limited parts of these documents fall under exceptions under Article 4 of Regulation (EC) No 1049/2001<sup>1</sup> and therefore had to be expunged with detailed justifications next to them.

In regard to documents containing the “departure airport and the destination airport”, “the flight number” and “the airline company which has provided the flight”, please be informed that this set of indicators contain detailed information regarding the *modus operandi* of law enforcement officials conducting return operations of third country nationals. Disclosing such information would expose the working methods applied in ongoing and future operations, putting at risk the efforts made by the EU and its Member States to return third-country nationals who are subject of national return decisions. This would endanger the public order as well as Member States’ security and, concretely, jeopardize the orderly conduct of return flights and threaten the safety of aircraft, passengers and crew. In this light, the disclosure of such information 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 1049/2001 and therefore must be refused.

As to *the* “shipping company which has provided the Return operation by sea”, “dates and explanation about the number of unsuccessful or interrupted Returns” please be informed that no operations were conducted by sea and no operations were cancelled.

With regard to *the* “percentage paid by Frontex”, please be informed that Frontex does not hold documents containing such information.

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,

**signed**

Hervé Caniard  
Head of Transparency Office

**Attachments: (75 pages, 1 excel sheet)**

- Info Sheet Offer of Return Flight (070403) (2 pages)
- Annex 3 Seating plan (081022) (2 pages)
- Operational Plan (081022) (4 pages)
- Annex 1 Arrival Times + Airports + Paxlist (081022) (1 page)
- Annex 2 EL CFP Observers (081022) (1 page)
- Draft Arrival Plan + Paxlist (090528) (1 page)
- Info Sheet Offer of Return Flight (090528) (3 pages)
- Operational Plan (090528) (4 pages)
- Annex 1 EL CFP (090528) (1 page)
- Annex 1 Arrival Times + Paxlist JRO to GEO (100217) (1 page)
- Annex 2 EL CFP Observers JRO to GEO (100217) (1 page)

---

<sup>1</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, p. 43).

- Final Implementation Plan (100217) (5 pages)
- Annex 1 Arrival Times + Paxlist (110120) (1 page)
- Annex 2 EL CFP (110120) (1 page)
- Implementation Plan (110120) (6 pages)
- Annex 2 Escort Leaders (121212) (1 page)
- Annex 1 Arrival Times + Paxlist (121212) (1 page)
- CH SFD (121212) (5 pages)
- Implementation Plan JRO GEO ARM BY AT (121212) (4 pages)
- Annex 2 EL CFP Observers (130424) (2 pages)
- CH SFD (130424) (4 pages)
- Implementation Plan PAK (130424) (4 pages)
- Annex 1 Paxlist Pakistan (130424) (1 page)
- Implementation Plan (141016) (4 pages)
- Signed SFD CH (141016) (4 pages)
- Annex 1 Arrival Times (141016) (1 page)
- Annex 2 EL CFP Observers (141016) (1 page)
- CH SFD (150623) (4 pages)
- Implementation Plan JRO to RUS by CH (150623) (2 pages)
- Annex 2 Contact Details (150623) (1 page)
- Annex 1 Arrival and Distribution Overview (150623) (1 page)
- Annex 1 Operational Overview JRO Ghana - Ivory Coast (160907) (1 page)
- Annex 2 Contact List JRO (160907) (1 page)
- CH SFD (160907) (4 pages)
- Implementation Plan JRO by Air (160907) (4 pages)
- Switzerland Return Operations 2017-2018 (Excel tables)

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.

