

Mr Arne Semsrott

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Our ref: CMS-2018-00011-0283  
Please quote when replying.

Warsaw, 30 November 2018

## Your application for access to Frontex documents

Dear Mr Semsrott,

In response to your application registered on 14 November 2018, asking for access to

- *The 2017 Technical Equipment Pool register, including especially the names, amounts and models of technical equipment, registration numbers as well as member states who committed the respective equipments.*
- *The Technical Equipment Pool register of October 2018, including especially the names, amounts and models of technical equipment, registration numbers as well as member states who committed the respective equipments,*

for the year 2017, kindly refer to the 2017 Annual Information containing all releasable information to be retrieved under:  
[https://frontex.europa.eu/assets/Key\\_Documents/EBGT\\_TEP\\_Report/2017\\_Frontex\\_Annual\\_Report\\_on\\_the\\_EBCGT\\_and\\_the\\_TEP\\_operational\\_resources.pdf](https://frontex.europa.eu/assets/Key_Documents/EBGT_TEP_Report/2017_Frontex_Annual_Report_on_the_EBCGT_and_the_TEP_operational_resources.pdf)

Please find attached the Technical Pool Register for October 2018. 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 had therefore to be expunged as:

- they contain information regarding the technical equipment deployed in each operational area. Disclosing such information would be tantamount to disclosing the exact type, capabilities and weaknesses of the equipment, as well as their usual position, opening way for abuse. The result of this would only be to hamper the course of ongoing and future similar operations, ultimately obstructing their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the release of the information contained in the documents would undermine the protection of the public interest as regards public security as stipulated in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.
- disclosing the redacted parts would influence internal decision-making processes regarding the current and future activities of the Agency and Member States involved. The ongoing discussions taking place within Frontex and under its auspices with the Member States require special protection as disclosing the redacted parts would reveal negotiation positions of the stakeholders and would enable to draw preliminary conclusions. Such action, in turn, would hamper the ongoing negotiations and erode the

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<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).

mutual trust between the stakeholders. As no overriding public interest in disclosure is ascertainable in this particular case, the release must be refused based on Article 4(3) of Regulation (EC) No 1049/2001.

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,  
*on behalf of*

Hervé Caniard  
Head of Transparency Office



**Attachment: TEP Report October 2018 (12 pages)**

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.