



Our ref: TO/ CMS-2019-00005-0001  
Please quote when replying.

Warsaw, 23 May 2019

## Your application for access to Frontex documents

Dear Ms Izuzquiza,

In reference to your initial application registered on 10 May 2019, asking for access to

*For the years 2017, 2018 and 2019:*

- any and all documents that contain the number of staff in your Transparency Unit (or the department dealing with access to EU documents requests) - this could be, for instance, organigrams or staffing plans that are specific to that unit;
- any and all documents containing the budget for your Transparency Unit (or the department dealing with access to EU documents requests); I would appreciate the most detailed version of this budget possible.

*And for the years 2016, 2017 and 2018:*

- any and all documents containing data on the handling of access to EU documents requests by this institution; I am looking specifically for broken down data, per year, on the number of initial access to documents applications received, and the number of confirmatory applications received.

*Please don't hesitate to contact me if you have any doubts or question in regards to this confirmatory application,*

I note that you had not submitted an initial application in regard to these Frontex documents.

Please be informed that according to Article 2(a) of Management Board Decision 25/2016 of 21 September 2016<sup>1</sup>, made available to you on 5 December 2017 (CGO/LAU/27452/2017) the "Transparency Office" means the entity embedded within the Legal and Procurement Unit and does not have an independent budget.


Information on the staffing of the Transparency Office has been made available to you on 22 August 2018 (CMS-2018-00007-1213a). Further information on the staffing and the budget is available in the

<sup>1</sup> Management Board Decision No 25/2016 of 21 September 2016 adopting practical arrangements regarding public access to the documents held by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union ("the Agency").

Programming Document publicly available on the Frontex website and a link will be made available to you by the Media and Public Relations Office in the framework of a request for information.

In regard to your application for “any and all documents containing data on the handling of access to EU documents requests by this institution”, please be informed that the reports for the years 2016 and 2017 are already publicly available on the Frontex website and links will be made available to you by the Media and Public Relations Office in the framework of a request for information. The report for the year 2018 is currently being prepared.

In this regard, I also refer to our reply of 13 February 2018 (CGO/LPU/2527/2018) and, recalling the decision regarding “all data on the handling of access to documents requests by Frontex for the years 2012-2017”, have to deny access to additional documents based on Article 4(2) second indent of Regulation (EC) No 1049/2001<sup>2</sup> as their release would undermine the protection of court proceedings. The disclosure of these documents would compromise the equality of arms and would diminish Frontex ability to defend itself, especially by revealing the position of Frontex on contentious issues. An overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of these documents is not ascertainable.

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.

<sup>2</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).