

[REDACTED]

Our ref: TO/PAD-2021-00155
Please quote when replying.

Warsaw, 13 September 2021

Your application for access to European Border and Coast Guard Agency (Frontex) documents

Dear [REDACTED]

In reference to your application registered on 24 August 2021, asking for access to

Dokumenten, die folgende Informationen enthalten

Den Bericht, den die europäische Grenzagentur Frontex der EU-Kommissarin Ylva Johansson und dem EU-Kommissionsvizepräsidenten Margaritis Schinas zu "provokativen Manövern" der türkischen Küstenwache am 26. und 27. April 2021 in der Nähe der griechischen Insel Chios übermittelt hat.

Thus

Documents containing the following information

The report sent by the European border agency Frontex to EU Commissioner Ylva Johansson and EU Commission Vice-President Margaritis Schinas on "provocative manoeuvres" by the Turkish coast guard near the Greek island of Chios on 26 and 27 April 2021.

Please find the documents herewith attached. Please note, however, that some limited parts of these documents had to be expunged as they contain:

- details of the operational area of an ongoing operation. Please be informed that access to the document containing information regarding the operational area must be refused pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001¹ as the operation to which these pieces of information pertain is currently ongoing. The pieces of information pertaining to the earlier periods of the ongoing and to the concluded operation are being used for the continuous adjustment of the current operation in the same area. Thus, granting access to the information regarding the operational area would 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, and would ultimately put the life of migrants in danger.

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).

- detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardise the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.
- information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorised border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001.
- information regarding the technical equipment deployed in the operational area by Frontex and Member States. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment and would enable third parties, e.g. by combining this information with other sources, to draw conclusions regarding usual positions and movement patterns. This would open way for abuse, as numbers and types of equipment used in previous operations are indicative of similar numbers and types for succeeding years. Releasing such information would thus benefit criminal networks, enabling them to change their modus operandi and, consequently, result in hampering the course of ongoing and future operations of a similar nature. This would ultimately obstruct the purpose of such operations: to counter and prevent cross-border crime and unauthorised border crossings. In this light, the disclosure of information regarding the technical equipment deployed would undermine the protection of the public interest as regards public security within the meaning of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

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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.

Yours sincerely,



Timo Knaebe
Senior Legal Officer