

Our ref: DCGO/TO/PAD-2023-00423  
Initial application: TO/PAD-2023-00369

Mr/Ms

Email

Warsaw, 4 January 2024

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

Dear

In reference to your confirmatory application registered on 15 November 2023 in which you confirmed your initial application to which Frontex had replied on 14 November 2023 and in which you applied for

*"Präsentationen von Anbietern von Überwasserdrohnen (USV's) die auf den Frontex-Industrietagen im September 2023 im Anschluss an die Aufforderung an die Industrie zur Einreichung von Vorschlägen im Bereich autonome Systemtechnologie organisiert wurden; außerdem die Einreichungen von USV-Anbietern, die schließlich nicht zu einer Präsentation geführt haben."*

Thus

*"Presentations by suppliers of surface drones/unmanned surface vehicles (USVs) organized at the Frontex Industry Days in September 2023 following the call for proposals from industry in the area of autonomous systems technology; also the submissions from USV providers that ultimately did not result in a presentation."*

I note your arguments in your confirmatory application:

*Guten Tag,*

*ich lege hiermit Widerspruch gegen Ihre Entscheidung ein. In der veröffentlichten Präsentation sind keine Angaben zu USV's enthalten. Diese sind aber Gegenstand meiner Frage und waren auch Gegenstand der Veranstaltung. In dem von Ihnen verlinkten, öffentlichen Dokument heißt es dazu u.a.: "Unmanned Surface Vessels (USV): unmanned and/or autonomous vessels able to perform various coastal and maritime border security missions such as patrolling, surveillance, reconnaissance and search and rescue operations, thus bolstering border management along waterways."*

*Hierzu bitte ich also um Nachlieferung.*

Thus

Good day

*I hereby appeal against your decision. The published presentation does not contain any information about UPS's. However, these are the subject of my question and were also the subject of the event. The public document you linked to states, among other things: "Unmanned Surface Vessels (USV): unmanned and/or autonomous vessels able to perform various coastal and maritime border security missions such as patrolling, surveillance, reconnaissance and search and rescue operations, thus bolstering border management along waterways."*

*To this end, I would therefore like to ask for subsequent delivery.*

Please allow me to recall that access to the identified and publicly available documents was provided to you on 14 November 2023 outside the framework of Regulation (EC) No 1049/2001<sup>1</sup>. I nevertheless note that organisations and experts had been invited to present advancements in Unmanned Surface Vessels (USV) as one of three proposed technical areas of discussion during Frontex's Industry Days held in September 2023. Based on our initial search, this invitation resulted in the following presentations, made available through the link provided to you on 14 November 2023:

- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Avy\\_Frontex\\_Intro\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Avy_Frontex_Intro_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Azure\\_Drones\\_Frontex\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Azure_Drones_Frontex_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Delair-Frontex\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Delair-Frontex_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/DroneMatrix\\_Frontex\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/DroneMatrix_Frontex_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/H3\\_Dynamics\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/H3_Dynamics_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Nordic\\_Unmanned\\_-\\_Frontex\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Nordic_Unmanned_-_Frontex_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Prometheus\\_H2\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Prometheus_H2_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/SwissDrones\\_Aerial\\_Surveillance\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/SwissDrones_Aerial_Surveillance_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/TeledyneFLIRDefense\\_SkyRanger\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/TeledyneFLIRDefense_SkyRanger_09.2023.pdf)
- [https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Teledyne\\_Black\\_Recon\\_Frontex\\_09.2023.pdf](https://www.frontex.europa.eu/assets/EUresearchprojects/2023/Teledyne_Black_Recon_Frontex_09.2023.pdf)

Recalling also that a presumption of legality attaches to Frontex's reply relating to the non-existence of documents, without an obligation to specify the reasons for such<sup>2</sup>, please be informed that as part of the present

<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).

<sup>2</sup> Judgment of 11 June 2015 in case T-496/13, McCullough v Cedefop, para 50; Judgment of 25 September 2018 in Joined Cases T-639/15 to T-666/15 and T-94/16, Psara et al. v European Parliament, para 33-34; Case T-110/03, T-150/03 and T-405/03, Sison v Council, EU:T:2005:143, para. 29; Judgment of 12 October 2000 in case T-123/99, JT's Corporation v Commission, para 67; British American Tobacco (Investments) v Commission, para. 35).

reconsideration, a thorough search through the available pre-programmed search tools<sup>3</sup> was conducted again to ensure that all documents are identified and to ensure that the widest possible number of documents can be ascertained and appraised<sup>4</sup> based on a normal and routine search in our databases<sup>5</sup>. Please be informed that based on this renewed search, one additional document within the meaning of Article 3(a) of Regulation (EC) No 1049/2001 was identified, which is herewith attached.

Consequently, in accordance with the principle of the widest possible public access to documents, the initial decision is herewith amended as regards granting full access to one additional document.

In accordance with Article 8(1) of Regulation (EC) No 1049/2001<sup>6</sup>, you are entitled to institute court proceedings and/or make a complaint to the European Ombudsman under the relevant provisions of the Treaty on the Functioning of the European Union.

Yours sincerely,

[Decision signed electronically]

Head of the Transparency Office

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<sup>3</sup> Judgment of 26 October 2011 in case T 436/09 *Julien Dufour v European Commission* ECLI:EU:T:2011:634, para 150; Decision of the European Ombudsman in case 1782/2019/EWM, para. 19; Judgment of 11 January 2017 in Case C-491/15 P *Rainer Typke v European Commission* ECLI:EU:C:2017:5, para 41.

<sup>4</sup> Judgment of 26 October 2011 in Case T 436/09 *Julien Dufour v European Commission* ECLI:EU:T:2011:634, para 150.

<sup>5</sup> Judgment of 11 January 2017 in Case C-491/15 P *Rainer Typke v European Commission* ECLI:EU:C:2017:5, para 41.

<sup>6</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).