



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,
[home.f.2\(2019\)5397294](#)

By registered letter with acknowledgement of receipt



Advance copy by email:



Subject: Your application for access to document –Ref GestDem 2019/3440

Dear 

We refer to your e-mail dated 16/06/2019 in which you make a request for access to documents, registered on 17/06/2019 under the above-mentioned reference number.

We send you this reply in English with a view to avoiding delay in our reply to you. You will receive the German official version of this letter, as soon as possible. Please accept our apologies for this.

Your application concerns a report of the European Commission on the current development of migration from Turkey to the EU, which analyses border crossings up to 5 May 2019. Your request also refers to an article titled '*Much less migrants arrive via Turkey*', published on the website www.welt.de, on 15 June 2019, where quotes of a non-specified report of the European Commission appear. Although your request did not specify any concrete report, we identified as relevant for the sake of your request the

Integrated Situational Awareness Analysis (ISAA) report published on 7 May (Ares(2019)4861382).

Having examined the document requested under the provisions of Regulation (EC) No. 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as a disclosure is prevented by the exceptions to the right of access laid down in Article 4 (1), point (a), first and third indent of this Regulation (protection of public interest as regards public security and international relations) as well as the exception to the right of access laid down in Article 4(3), first paragraph (protection of an on-going decision making process).

The ISAA report is a situational awareness analysis developed by the European Commission and the European External Action Service (EEAS) under a leading service, the Directorate General for Migration and Home Affairs (DG HOME). It is the primary reporting tool of the EU Integrated Political Crisis Response (IPCR) Arrangements, which were activated in November 2015 by the Council in full operational mode due to the high influx of migrants and refugees into the EU and it is active ever since.

The objective of the report is to provide decision makers, in particular within the Committee of the Permanent Representatives of the Governments of the Member States (COREPER), a clear picture of the migratory situation within and outside the EU by compiling and analysing information from various trusted sources, such as the Member States, the Commission services, EEAS and the relevant EU agencies (European Borders and Coast Guard Agency, Europol, European Asylum Support Office, etc.). The report is considered a source of precise information concerning the migratory situation, thus it constitutes an important element of the discussions on operational actions to be taken by the EU and by the individual Member States in the field of migration management.

As stated before, the disclosure of the report is prevented by the exceptions to the right of access laid down in Article 4 (1), point (a), first and third indent of Regulation (EC) No 1049/2001 (protection of public interest as regards public security and international relations) as well as the exception to the right of access laid down in Article 4 (3), first paragraph (protection of an on-going decision making process). This is justified by the fact that the report contains sensitive information, which is produced and released by the contributors for the particular purposes of the report on a voluntary basis.

The disclosure of the report would undermine public security, international relations and on-going decision-making process due to the following interlinked reasons:

a) It contains different types of sensitive information on migrants entering or exiting the EU territory, as well as new challenges or new patterns with regard to irregular border crossings and smuggling activities. The report also reveals particularities of specific border sections. The disclosure of these elements would generate a negative impact on public security as the information may be utilised by criminal organisations to change and adapt their methods of action and, therefore, prejudice the work of the national law enforcement authorities and of the EU institutions and Agencies.

b) The report includes analysis concerning migratory developments in third countries (for instance, data on border management, readmission and return of migrants to their countries of origin, resettlement of migrants, etc.). The international relations concerning migrations are characterised by complex political arrangements with social, financial and security implications, the disclosure of which may jeopardise the trust built with those countries and may weaken the negotiating position of the EU.

c) Finally, the disclosure of the report would undermine public interest the mutual trust between the parties involved in the preparation of this report, jeopardising the efficiency of the migration monitoring mechanism developed with the support of the information tool ISAA. The highly confidential nature of the report must be particularly protected since the contributions are based on mutual trust and understanding of all parties involved. First, the disclosure of the report would jeopardise its very production as some or many of its stakeholders may withdraw from the contributions and would deprive the EU from an essential analytical tool. Second, the report is a support for decisions to be taken at EU high level, including on-going negotiations on highly sensitive files such as the reform of the Common European Asylum System. The sensitivity of the report is recognised by the marking "LIMITED", which limits its circulation only to authorised users.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the document. For the reasons explained above and in view of the sensitivity of the elements contained in the report, we do not see how such an overriding public interest could be identified.

We have considered whether partial access could be granted to the document requested. However, partial access is not possible, as the remaining parts after expunging the confidential information would in fact be meaningless.

Should you be interested in receiving detailed information on the migratory routes to Europe, I would invite you to consult the website of the European Border and Coast Guard, in particular:

<https://frontex.europa.eu/along-eu-borders/migratory-routes/western-mediterranean-route/>

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed with 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

Or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

