

Mr Arne Semsrott

Email: [REDACTED]

Our ref: TO/ CMS-2019-00009-0525
Please quote when replying.

Warsaw, 14 October 2019

Your application for access to Frontex documents

Dear Mr Semsrott,

In reference to your application registered on 24 September 2019, asking for access to the

Final report of the FRO visit to the to the pre-removal center in Fylakio and the detention center at the BCU in Soufli (Evros region) from 14 to 18 January 2019 as well as final reports of other visits to the Evros region in 2018 and 2019, if available,

Please be informed that one document was identified, which you find herewith attached. Please note however that some parts of the documents fall under an exception under Regulation (EC) No 1049/2001¹ and had to be expunged,

- with detailed justifications on page 1.
- in regard to pages 5 and 6 as the disclosure of the information contained therein would seriously undermine internal decision-making processes and those of other stakeholders. The possibility to conduct such processes without interference is crucial for Frontex and its stakeholders to effectively exercise their mandate. Consequently, releasing this piece of information contained in the document would enable third parties to gain insights into these decision making processes and, with ascertainable likelihood, result in depriving Frontex and its stakeholders to conduct such processes. However, the decision making process has to be conducted wholly independently, free from any external pressure or third-party influence. In sum, releasing this document would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, this piece of information cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.

Kindly be reminded that the copyright of the document rests with Frontex and making this work, communicated solely to you in this form and forum, available to third parties in this or another form without prior authorisation of Frontex is prohibited. Please also note that Frontex does not assume liability stemming from the use of the document.

Yours sincerely,

signed

Hervé Caniard
Head of Transparency Office

¹ 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).

Attachment: 1 document, 6 pages

Pursuant to Article 7(2) of Regulation (EC) 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) 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.