

Mr/Ms [REDACTED]

Email: [REDACTED]

Our ref: TO/PAD-2021-00149
Please quote when replying.

Warsaw, 17 May 2021

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

Dear Mr/Ms [REDACTED]

In reference to your application registered on 12 May 2021, asking for access to

Die Gesamte interne Kommunikation von Frontex zu folgender Feststellung des Europäischen Parlaments -----

Europäisches Parlament

P9_TA(2021)0191 Entlastung 2019

Europäische Agentur für die Grenz- und Küstenwache

1. Beschluss des Europäischen Parlaments vom 28. April 2021 über die Entlastung für die Ausführung des Haushaltsplans der Europäischen Agentur für die Grenz- und Küstenwache für das Haushaltsjahr 2019 (2020/2167(DEC))

Hier Rn. 44 Das Europäische Parlament, (...) ist zutiefst besorgt darüber, dass die Agentur in der Rechtssache T-31/18 des Gerichts betreffend Anträge auf Zugang zu Dokumenten die Anweisung erteilt hat, Anwalts- und Gerichtskosten in Höhe von 23 700 EUR von zwei Einzelpersonen einzufordern; stellt fest, dass das Gericht diesen Betrag auf 10 520 EUR gesenkt hat; betont, dass die Belastung der Zivilgesellschaft mit übermäßig hohen Anwalts- und Gerichtskosten eine abschreckende Wirkung mit Blick auf den Zugang der Zivilgesellschaft zur Justiz hervorruft, was den Zugang zu Dokumenten anbelangt, obwohl der Zugang zu Dokumenten ein Grundrecht ist, das in Artikel 42 der Charta niedergelegt ist, und dass diese Belastung außerdem das Recht auf einen wirksamen Rechtsbehelf gemäß Artikel 47 der Charta untergräbt; fordert die Agentur auf, ihren Antrag auf Kostenerstattung in dieser Rechtssache zurückzuziehen und künftig davon Abstand zu nehmen, von Antragstellern in Rechtssachen, die Anträge auf Zugang zu Informationen betreffen, eine Erstattung der Kosten für externe Anwälte zu verlangen;

Thus

European Parliament

P9_TA(2021)0191

1. European Parliament decision of 28 April 2021 on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency for the

financial year 2019 (2020/2167(DEC))

Here Para 44 The European Parliament (...) is deeply concerned that the Agency has ordered to recover legal fees in the amount of EUR 23,700 from two individuals in the General Court case T-31/18 regarding requests for access to documents; notes that the Court has reduced that amount to EUR 10,520; highlights that charging civil society with excessively high legal fees has a chilling effect on civil society's access to justice in the field of access to documents which is a fundamental right laid down in Article 42 of the Charter and undermines their right to an effective remedy under Article 47 of the Charter; calls on the Agency to withdraw its demand for recovering of the costs in this case and to refrain from seeking to recover the costs of external lawyers from applicants in court cases based on access to information requests in the future;

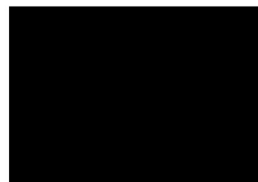
Please find the documents herewith attached. Redactions pertain to:

- legal advice. The release of such would result in Frontex Legal and Procurement Unit, which created this document, no longer providing frank, objective, and comprehensive advice to the remainder of the Agency and/or Member States as the sphere of trust, in which this advice, embodied in the document, was provided, would be severely impaired. As all Frontex entities and/or Member States of the European Union have an interest in receiving such frank, objective and comprehensive legal advice in order to make informed decisions, the release of these elements has thus to be refused. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of these elements is ascertainable in the present case, based on Article 4(2) second indent of Regulation (EC) No 1049/2001¹, these elements cannot be released.
- personal data, specifically, the name of an individual and/or characteristics, which make an individual identifiable. The disclosure of these parts would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/200

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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,



Senior Legal Officer

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).