

Mr/Ms Luisa Izuzquiza
Mr/Ms Arne Semsrott
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Our ref: TO/PAD-2021-00220
Please quote when replying.

Warsaw, 12 October 2021

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

Dear Mr/Ms Arne Semsrott, Mr/Ms Luisa Izuzquiza,

In reference to your application PAD-2020-00119 registered, after clarifications, on 10 September 2021 as PAD-2021-00220 for which the time limit has been extended by 15 working days on 1 October 2021¹, asking for access to

"Request Documents concerning the case Izuzquiza and Semsrott v Frontex"

- Drafts of all replies and submissions to the court;
- The final replies and submissions to the court;
- The contract - including all annexes - signed with any external lawyers representing Frontex in these proceedings;
- "correspondence with Mr. Wagenbauer"
- "correspondence sent or received by Hervé Caniard"
- All travel expenses related to any travel in relation to the case; and
- All invoices submitted by the external lawyers representing Frontex in these proceedings.

Please be informed that in regard to **indents 1, 4 and 5**, no documents are retrievable.

In regard to **indents 2, 6 and 7**, as parties to case T-31/18 and procedure T-31/18 DEP, you are already in possession - outside the framework of Regulation (EC) No 1049/2001 - of the documents.

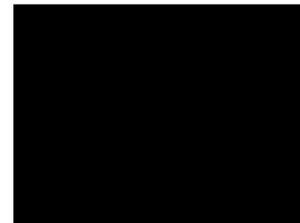
Concerning **indent 3**, please be informed that access to the documents pertaining to your application must be refused pursuant to Article 4(2) first indent of Regulation (EC) No 1049/2001 as their disclosure would undermine the protection of commercial interests of legal persons. In particular, these documents contain economic information of Frontex and other market actors, costs as well as prices.

¹ In accordance with Article 7(3) of 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).

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 documents is ascertainable in the present case, these documents cannot be released based on Article 4(2) first indent of Regulation (EC) No 1049/2001. Consequently, also no partial release is possible.

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