

Public Access to Documents at Frontex

MANUAL

This document is for guidance only and it does not constitute or create any legally binding or enforceable obligations onto any party, further to the framework established by Regulation (EC) No 1049/2001.

Our commitment to TRANSPARENCY



Transparency is a fundamental right stemming directly, among others, from the Charter of Fundamental Rights of the European Union. All EU citizens and residents enjoy this right; hence all EU institutions, bodies and agencies have the obligation to run an open, efficient, and independent European administration.

This means, for instance, that these institutions must have a transparent system of informing the public of its activities and offer the widest possible access to its documents.

Frontex, the European Border and Coast Guard Agency, has set up [a public register](#) to make its work and policies transparent and accessible to the public.

LEGAL basis

PRIMARY LAW

Charter of Fundamental Rights of the EU (Article 42) ◀

Treaty on the Functioning of the European Union (Article 15) ◀

SECONDARY LAW IMPLEMENTING PRIMARY LAW

Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (applicable through Article 114(1) of the European Border and Coast Guard Regulation) ◀

INTERNAL RULES

Management Board Decision No 25/2016 of 21 September 2016 adopting practical arrangements regarding public access to documents held by Frontex ◀

TRANSPARENCY

rules

- Frontex endeavours to give the fullest possible effect to the right of public access to documents laid down in Regulation (EC) No 1049/2001, **by granting the widest possible access.**
- While transparency is the rule, **the right of public access is not absolute** and certain exceptions to this right have to be applied mandatorily.
- Some documents contain **sensitive information** and cannot be fully disclosed. Regulation (EC) No 1049/2001 provides a **set of exceptions** protecting the public or private interests, such as personal data, commercial interests, court proceedings and legal advice. In certain cases, Frontex is obliged to invoke an exception and grant only partial access or, in balance with other principles, to refuse access altogether to ensure the execution of its mandate, particularly in the area of management of the EU's external borders, in an effort to counter cross-border crime.
- When processing applications for public access to documents, Frontex relies on **the jurisprudence of the Court of Justice of the European Union and is guided by decisions of the European Ombudsman.**

ELIGIBILITY

rules

- **All EU citizens and natural or legal persons residing or having their registered office in an EU Member State** have the right of access to the documents held by Frontex. § Article 2(1) of Regulation (EC) No 1049/2001
- Management Board Decision No 25/2016 **extends this right to natural and legal persons residing or having their registered office in a Schengen Associated Country.**
- If you are a **first-time applicant**, we will have to confirm your eligibility. All information about the requirements can be found on our [website](#), and will also be included in our first correspondence.



APPLY FOR ACCESS TO DOCUMENTS

a step-by-step guide



STEP 1

SEARCH FOR FRONTEX DOCUMENTS

Before you submit an application for public access to documents (PAD), you should search for Frontex documents, which are already disclosed in our public register.

Public Register of Documents

PRD page ◀

- This is an online library containing documents created by Frontex since its foundation in 2004.
- This database is continuously supplemented.
- Frontex updates it diligently to make all documents that were fully or partially disclosed following previous PAD applications, available.

STEP 2

SUBMIT YOUR APPLICATION

If you have not found any documented reference that matches your query or interest, you have three possible ways of submitting your application:

Create an **on-line** request:

[PAD application form](#) ◀

Send your application **by e-mail** to:

pad@frontex.europa.eu ◀ or frontex@frontex.europa.eu ◀

Send your application **by traditional post** to:

Frontex Transparency Office
Pl. Europejski 6,
00-844 Warsaw, Poland

STEP 3

CORRESPONDENCE FOLLOWING YOUR APPLICATION

- Your application will be handled promptly.
- Upon submitting your application, you will receive an acknowledgment of receipt.
- We will assess your request and reply within 15 working days from the registration date. We may be able to grant you full access, or we will refuse to (partially) release it. Partial or total refusal of access will always be based on the grounds provided for in Regulation (EC) No 1049/2001. § Article 7(1) of Regulation (EC) No 1049/2001
- In some cases (e.g., an application relating to a very long document, or to a very large number of documents), this length of time may be extended by another 15 working days. § Article 7(3) of Regulation (EC) No 1049/2001

STEP 4

OUR REPLY TO YOUR APPLICATION

- In the event of total or partial refusal, you may – within 15 working days of receiving our reply – make a confirmatory application, by asking Frontex to reconsider its position. § Article 7(2) of Regulation (EC) No 1049/2001
- Should an initial decision of total or partial refusal be confirmed, you may seek remedy by instituting court proceedings and/or making a complaint to the European Ombudsman. § Article 8(1) of Regulation (EC) No 1049/2001

Finally, PRACTICAL TIPS

- Make your application as clear and precise as possible to allow for a quick and unambiguous identification of the documents you are interested in.
- If your application is not sufficiently precise, we will ask you to provide further information.
- You are not obliged to provide reasons for your application. The decision is made regardless of the personal interest of the applicant. § Article 6(1) of Regulation (EC) No 1049/2001

Frontex Transparency Office will guide you along.

- In case your application relates to a very long document or to a very large number of documents, the Frontex Transparency Office will confer with you informally, with a view to finding a fair solution, to allow for further handling of your application. § Article 6(3) of Regulation (EC) No 1049/2001