



Ms Rosita Hickey
Director of Inquiries
European Ombudsman

Your ref: Complaint 2067/2020/MIG
Our ref: ICO/MIJU/761c/2021
Please quote when replying.

Warsaw, 5 May 2021

Subject: Frontex's reply as regards Proposal for a solution in case 2067/2020/MIG on the European Border and Coast Guard Agency's (Frontex) handling of multiple requests for public access to documents made by a single applicant (your reference: ICO/MIJU/761a/2021)

Dear Ms Hickey,

Thank you for your letter of 20 April 2021 and your suggestion for a solution, which Frontex welcomes as it enabled us to reengage with the complainant. As indicated in our previous letter, Frontex tried to engage with the complainant until the beginning of February to find a fair solution for these complex applications involving numerous authors Agency-wide¹. However, this was not reciprocated before your kind intervention. Following your suggestion to queue the applications, application PAD-2020-00236 was registered on 21 April 2021 and replied to on 29 April 2021, as the majority of the requested documents had formed part of another application for public access to documents received in the meantime and were thus easily available. As part of the registration of this application, Frontex further informed the complainant

"We are currently compiling a list of all documents at issue detailing the title, date, number of pages and reference of each document pertaining to your other applications to facilitate your determination of the priority of these. In the meantime, any indication regarding your preferred priority of your other applications to be considered after the conclusion of your application PAD-2020-00236 would be welcome."

We also provided the complainant with an overview, including the content, of all further applications: PAD-2020-00233, PAD-2020-00234, PAD-2020-00235, PAD-2020-00236, PAD-2020-00237 and PAD-2020-00247. Also, on 21 April 2021, the complainant indicated as his preferred order of consideration: PAD-2020-00237, PAD-2020-00234, PAD-2020-00235, PAD-2020-00233, PAD-2020-00247. Accordingly, after the conclusion of PAD-2020-00236, Frontex notified the complainant on 29 April 2021 that his application PAD-2020-00237 is now being processed and asked for further clarifications under Article 6(2) of Regulation (EC) No 1049/2001². For this, a sample "notification on relocation" was shared with the applicant.

Furthermore, Frontex has created a list of documents - a main and sub-lists - for you and for the complainant including, where possible, all the details you indicated. While we are able

¹ Within the meaning of Judgment of the General Court of 19 January 2010 in case T-355/04, *Co-Frutta v Commission*, para. 72.

² 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).

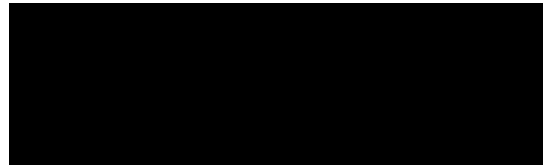
to share the comprehensive main and sub-lists with you (the documents indicated by the prefix "For EO-..."), we kindly invite you not to share these with the complainant as some titles would reveal sensitive information. In the list intended for the complainant (indicated by the prefix "For Mr [REDACTED]-..."), these titles are partly withheld and only the number of pages are indicated.

As in case PAD-2020-00236, Frontex will continuously reassess its workload and its capacities to speed up the processing of the complainant's remaining applications wherever possible and within the framework of Regulation (EC) No 1049/2001. As in similar cases with other applicants, the complainant is free to re-determine his preferred order of applications at any time, e.g. based on the list you are kindly going to share with him - Frontex has accordingly informed the applicant on 29 April 2021.

Before closing, we would like to note that some of the applications contained links to third-party websites for which in this case a solution could be found to enable us to ascertain the general scope of the applications.

Frontex stands ready to provide you and the complainant with any further information you may require.

Yours sincerely,



Michael Juritsch
Head of Inspection and Control Office

- Attachments:*
1. *Documents for the European Ombudsman*
 - *For EO - List of Documents for PAD-2020-00233 to ...247*
 - *For EO - PAD-2020-00235*
 - *For EO - Relocation List 1*
 - *For EO - Relocation List 2*

 2. *Documents for Mr [REDACTED]*
 - *For Mr [REDACTED] List of Documents for PAD-2020-00233 to ...247*
 - *For Mr [REDACTED] PAD-2020-00235*
 - *For Mr [REDACTED] - Relocation List 2*