

Committee on Civil Liberties, Justice and Home Affairs  
The Chairman

IPOL-COM-LIBE D(2022)6565

Marko Gašperlin  
Chairperson of the Management Board  
European Border and Coast Guard Agency (Frontex)  
Plac Europejski 6  
00-844 Warsaw  
Poland

D 301784 02.03.2022

**Subject: Publication of the OLAF report of findings following the investigation into Frontex**

Dear Chair,

By means of this letter, the LIBE Committee formally requests the exceptional publication of the conclusive report of findings following the internal investigation that OLAF has conducted into Frontex, on grounds of the clear public interest that exists in the publication of this particular information.

I would like to respectfully point out Article 15 TFEU, under which the Union's institutions, bodies, offices and agencies, including Frontex, shall conduct their work as openly as possible in order to promote good governance.

The established case law by the CJEU further specifies that interested parties have the right to demonstrate the existence of an overriding public interest justifying the disclosure of the documents from an administrative file processed by OLAF.

Taking into consideration the public discourse over the past 1.5 years, which includes numerous reports by investigative journalists, civil society organisations, this Parliament's Frontex Scrutiny Working Group and other institutions and citizens concerning the Agency's alleged mismanagement and possible involvement in fundamental rights violations, a clear public interest can be derived into these issues, thus into publication of OLAF's findings.

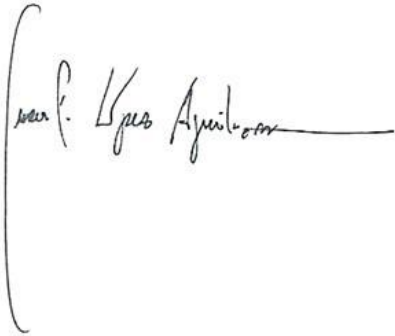
EU citizens have the right to be informed about possible mismanagement or even involvement in fundamental rights violations by one of the largest EU Agencies with a yearly increasing annual budget. The principle of good governance as enshrined by the Treaties therefore clearly is of an overriding nature in this case.

The in camera exchange of views with the European Parliament that took place on the 28th of February all the more confirmed to the participating members of the LIBE Committee the public interest of the disclosure of the aforementioned OLAF report.

The LIBE Committee therefore calls on you, Chair of the Frontex Management Board, to consider the points raised above and ensure that the report following the internal investigation that OLAF has conducted into Frontex is published in full.

Given the urgency of this matter, I would kindly request you to provide a response to this letter as soon as possible and at least within 15 working days.

Yours sincerely,

A handwritten signature in black ink, reading "Juan F. López Aguilar". The signature is written in a cursive style and is enclosed within a large, thin, hand-drawn bracket on the left side.

Juan Fernando López Aguilar

Cc: Ville Itälä, Director-General, European Anti-Fraud Office (OLAF)  
Ylva Johansson, European Commissioner for Home Affairs  
Emily O'Reilly, European Ombudsman