

Ms Emily O'Reilly
European Ombudsman

Your ref: Complaint 2273/2019/MIG
Our ref: ICO/MIJU/2935e/2020
Please quote when replying.

Warsaw, 28 February 2022

Subject: Notification on the European Border and Coast Guard Agency's (Frontex) public register of documents (Case Ref.: Decision of the European Ombudsman - 2273/2019/MIG)

Dear Ms O'Reilly,

With reference to your decision related to complaint 2273/2019/MIG, I would like to inform you that in line with the Roadmap - submitted as Annex to the letter of 7 December 2020 (Ref. No: ICO/MIJU/2935c/2020) - to update the European Border and Coast Guard Agency's (Frontex) Public Register of Documents ('Public Register'), Frontex prepared a dedicated ICT platform (Appendix 1) to be officially launched on 28 February 2022.

To maintain that the Public Register is regularly updated in a comprehensive manner, Frontex designed a systematic approach across the Agency in order to facilitate the process. It is in a form of internal procedure, clearly establishing categories of documents, roles and responsibilities and steps of the process. Since Ares is to be implemented at Frontex as of 1st March 2022 and due to technical challenges of the integration, there was no possibility to connect the system with the register at this stage.

With regard to the sensitive documents which are not included in the Public Register, I would like to notify you that the number thereof has been published in the Consolidated Annual Activity Report since 2020 (Annex 10 - Annual report on public access to documents). As regards 2019, the data is presented on our website under the 'Public Access to Documents' domain (Appendix 2).

Yours sincerely,



Fabrice Leggeri
Executive Director

Attachments

Appendix 1 - Print screen of 'Frontex Public Register of Documents' domain

Appendix 2 - Print screen of 'Frontex Public Access to Documents' domain

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Displaying recently added 5 of all 1680 documents.

Title	Category	Language	↓ Publication date	
Frontex: Beyond EU borders	Publications	EN	22.02.2022	View details
Final Report on the Justice and Home Affairs Agencies' Network Activities 2021	Reports and studies	EN	22.02.2022	View details
Management Board Decision 12/2022 authorising the Executive Director to request the European Commission's agreement on the amendments to Agency's rules delegating the powers conferred by the Staff Regulations of Officials of the European Union on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority authorised to conclude contracts of employment	Administrative documents	EN	10.02.2022	View details
Standing corps training in Avila, Spain	Videos	EN	26.01.2022	View details
Management Board Decision 11/2022 on carrying-over certain appropriations from 2021 to 2022	Administrative documents	EN	26.01.2022	View details

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Legal framework

The principle of transparency and the rights of individuals to access documents of EU bodies are laid down in both Article 15 of the TFEU and Article 42 of the Charter of Fundamental Rights of the EU and implemented through 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 (Regulation (EC) No 1049/2001).

The link of Regulation (EC) No 1049/2001 with the Frontex framework is reemphasized in Article 114 of the European Border and Coast Guard Regulation.

The internal framework for Public Access to Documents held by Frontex is set by Frontex Management Board Decision No 25/2016 of 21 September 2016.

Applications

Any EU citizen, as well as any natural or legal person residing or having a registered office in the EU has the right to access documents held by Frontex, subject to the conditions laid down in Regulation (EC) No 1049/2001.

To confirm that you have the right to apply for access to the documents, you need to provide a form of identification/proof of your proxy for a legal person residing or having a registered office in the EU in the form of PDF, ASICE, ADOC, BDOC or EDOC format, signed electronically through a qualified esignature in line with the eDIAS Regulation (Regulation (EU) No 910/2014). If this means of identification is unavailable to you, please provide an ID card/passport/residence permit for the EU (natural persons) or submit the registration of your entity in an EU Member State and a proxy authorizing you to act on behalf of this entity (legal persons). Such proof of eligibility could constitute any copy of an official document/statement of a EU Member State authority indicating - solely - your name and EU citizenship/domicile.

To enable the identification of the document(s) you applied for, please ensure that your application is as precise as possible.

Before applying, please verify whether the document(s) you are applying for is/are not already available in [Frontex Public Register of Documents](#).

Please submit your application [here](#) or by mail to:

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

Processing

- Your application, containing the required proof of eligibility, will be acknowledged and processed within 15 working days starting from the registration of your application.
- In exceptional cases, this time limit may be extended by 15 working days.
- In case Frontex has to refuse access to a document in a full or partially, a justification will be provided.
- In case of a full or partial refusal of your application, Frontex will provide you with a justification.
- Within 15 working days of receiving Frontex's reply you can apply for a reconsideration of such initial decision through a confirmatory application.

Sensitive documents

In 2019, Frontex, the European Border and Coast Guard Agency held 151 sensitive documents not included in the public register.

Data protection

Data Controller is the Transparency Office established by Management Board Decision No 25/2016 of 21 September 2016. Physical and mail address: Pl. Europejski 6 (00-844 Warsaw- PL); email: pad@frontex.europa.eu.