



The time taken by the European Border and Coast Guard Agency (Frontex) to deal with requests for public access to documents

Correspondence - 17/10/2022

Case OI/4/2022/PB - **Opened on** 15/07/2022 - **Institution concerned** European Border and Coast Guard Agency |

Dear Mrs X,

I have decided to open an own-initiative inquiry into aspects of how Frontex deals with requests for public access to documents. I have done so on the basis of information submitted in a recent complaint, a copy of which you will find enclosed.

This own-initiative inquiry will address the systemic issues raised in the complaint, namely:

Late registration of requests for public access to documents

Requests for public access should normally be registered no later than the working day following their receipt. [1]

While EU institutions may exceptionally delay registering requests where the subject matter is unclear, it appears that Frontex sometimes delays the registration of public access requests, where the content of the request is clear, but where the request concerns a large number of documents. In doing so, Frontex essentially postpones the registration for as long as it is seeking a 'fair solution' with the applicant, thereby effectively extending the statutory time-limit of 15 working days for taking a decision, set out in Regulation 1049/2001. [2]

We are unaware of any legal basis for postponing registration, and would therefore be grateful if Frontex could address this matter in its reply to this inquiry.

Suspension of statutory deadlines

Frontex appears sometimes to 'suspend' the statutory time-limits laid down in Regulation 1049/2001, for instance when asking applicants to clarify an aspect of their request after it has been registered.

We are unaware of any legal basis for suspending deadlines, and would therefore be grateful if Frontex could address this matter in its reply to this inquiry.



By way of reply to the above questions, I am not asking Frontex to deal with the specific details of the requests in the enclosed complaint, which are not the subject of this inquiry, but rather to explain its administrative practice and legal understanding more generally.

I would be grateful to receive Frontex's reply by 30 September 2022.

Yours sincerely,

Emily O'Reilly

European Ombudsman

Strasbourg, 15/07/2022

[1] Cf. the Ombudsman's decision in case 3697/2006/PB <https://www.ombudsman.europa.eu/en/decision/en/3274> and the European Commission's acceptance of this standard in its follow-up response <https://www.ombudsman.europa.eu/en/doc/follow-up/en/4423> (See annex on the European Commission's replies to the Ombudsman's findings).

[2] Article 7 of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents:
<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32001R1049>