

Your ref.: Complaint 1497/2024/ACB

Ms Teresa Anjinho
European Ombudsman

Warsaw, 12 June 2025

Subject: Frontex's reply to the Recommendation on the refusal by the European Border and Coast Guard Agency (Frontex) to give public access to two opinions by its Fundamental Rights Officer (case 1497/2024/ACB).

Dear Ms Anjinho,

Thank you for your letter of 21 February 2025 and the recommendation contained therein signed by your esteemed predecessor. Having thoroughly reviewed your proposal, I am pleased to inform you that providing partial access to the documents at issue is possible in this case. They have been made publicly available under the herewith provided links:

https://prd.frontex.europa.eu/?post_type=document&p=17656

https://prd.frontex.europa.eu/?post_type=document&p=17657

Please let me assure you that it is the Agency's utmost commitment to give the fullest possible effect to the fundamental right of access to documents as laid down in Regulation (EC) No 1049/2001¹. Therefore, I welcome your request to reconsider Frontex's assessment of the *Opinions* at issue, which given the passage of time since the concerned confirmatory decision, allowed us to provide partial access at the present stage.

Let me at this point clarify that further to the reassessment of the content at stake, and as explained to the complainant in Decisions PAD-2024-00240 and PAD-2024-00300 and further elaborated in our additional views shared with you, the documents contain information whose disclosure would foreseeably undermine the protection of the public interest as regards public security and as such cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001. These pieces of information relate in particular to:

- the modus operandi of law enforcement officials,
- the number and profile of Human Resources,
- reporting tools and methods used by law enforcement officials,

¹ 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).

-
- sensitive operational information used for risk analyses,
 - ongoing operational activities.

Moreover, access to limited parts of the documents must be refused pursuant to Article 4(3) third indent of Regulation (EC) No 1049/2001, as their disclosure would seriously undermine internal decision-making processes regarding current and future activities of Frontex. As elaborated to the complainant in the underlying access decisions and in our letter to you setting out our additional views in the course of the present inquiry, the decision-making process at issue is ongoing and comprises discussions and negotiations both within the Agency and with the Member State concerned (Bulgaria).

I trust that my above decision to provide partial access to both *Opinions* subject to your Inquiry complies with your recommendations set out in the letter of 21 February 2025. At the same time, I would like to note that Frontex will continue to review its internal policies and procedures as part of an ongoing effort to operate in line with the principles of good administration and transparency.

Please allow me to express my gratitude and highest considerations to the European Ombudsperson and her mission. I appreciate your efforts to promote good administration and look forward to continuing our constructive dialogue.

Yours sincerely,

Qualified electronic signature by: JOHANNES

ADRIANUS JOSEPHUS LEIJTENS

Date 2025-06-20 17:53:20 UTC

Electronically signed

Hans Leijtens
Executive Director