

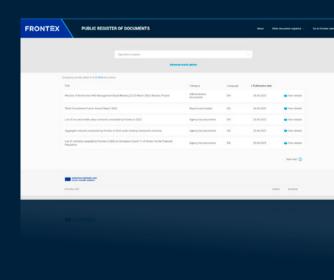
# **Public Access** to Documents at Frontex

## **MANUAL**

obligations onto any party, further to the framework established by Regulation (EC) No 1049/2001.

This document is for quidance only and it does not constitute or create any legally binding or enforceable

# **Our commitment** to TRANSPARENCY



directly, among others, from the Charter of Fundamental Rights of the European Union. All EU citizens and residents enjoy this right; hence all EU institutions, bodies and agencies have the obligation to run an open, efficient, and independent European administration. This means, for instance, that these institutions must have a transparent system of informing

Transparency is a fundamental right stemming

the public of its activities and offer the widest possible access to its documents. Frontex, the European Border and Coast Guard

Agency, has set up > a public register to make its work and policies transparent and accessible to the public.

**LEGAL** basis

## Charter of Fundamental

**PRIMARY LAW** 

Rights of the EU (Article 42) Treaty on the Functioning of the European Union

(Article 15)

## Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European

**PRIMARY LAW** 

**SECONDARY LAW IMPLEMENTING** 

Parliament, Council and Commission documents

## Decision No 25/2016

**INTERNAL RULES** 

Management Board

of 21 September 2016 adopting practical arrangements regarding public access to documents held by Frontex <

TRANSPARENCY

laid down in Regulation (EC) No 1049/2001, by granting the widest possible access. While transparency is the rule, the right of public access is not absolute and certain exceptions to this right have to be applied

Frontex endeavours to give the fullest possible

effect to the right of public access to documents

mandatorily. Some documents contain sensitive **information** and cannot be fully disclosed. Regulation (EC) No 1049/2001 provides a set **of exceptions** protecting the public or private

interests, such as personal data, commercial

- interests, court proceedings and legal advice. In certain cases, Frontex is obliged to invoke an exception and grant only partial access or, in balance with other principles, to refuse access altogether to ensure the execution of its mandate, particularly in the area of management of the EU's external borders, in an effort to counter cross-border crime. When processing applications for public access to documents, Frontex relies on the jurisprudence of the Court of Justice of the European Union and is guided by decisions of the European Ombudsman.
- a step-by-step guide

STEP 1

**SEARCH FOR FRONTEX** 

**ELIGIBILITY** 

### All EU citizens and natural or legal persons residing or having their registered office

∫ Article 2(1) of Regulation (EC) No 1049/2001 Management Board Decision No 25/2016 extends this right to natural and legal persons residing or having their registered office in a Schengen Associated Country.

in an EU Member State have the right

of access to the documents held by Frontex.

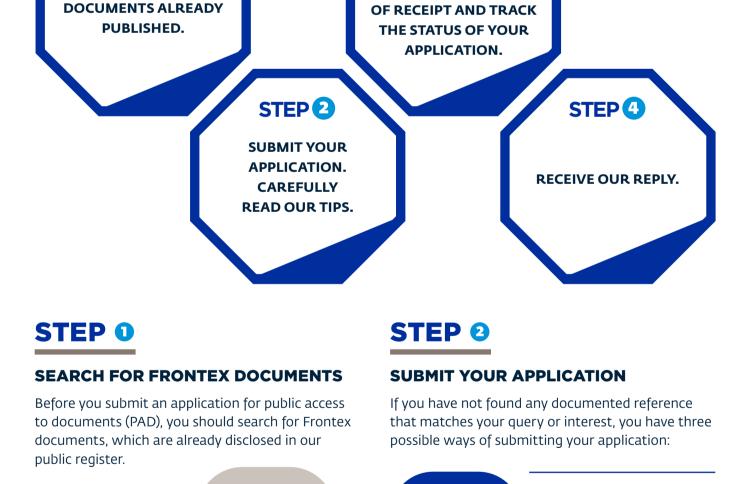
- If you are a first-time applicant, we will have to confirm your eligibility. All information about the requirements can be found on our website, and will also be included in our first correspondence.



STEP 3

**RECEIVE AN** 

**ACKNOWLEDGEMENT** 



## **Public Register** of Documents

# This is an online library containing documents

created by Frontex since its foundation in 2004.

documents that were fully or partially disclosed following previous PAD applications, available.

This database is continuously supplemented.

PRD page ◀

STEP 8

**CORRESPONDENCE FOLLOWING** 

YOUR APPLICATION

Frontex updates it diligently to make all

Your application will be handled promptly. Upon submitting your application, you will receive an acknowledgment of receipt.

We will assess your request and reply within

15 working days from the registration date.

- We may be able to grant you full access, or we will have to (partially) refuse it. Partial or total refusal of access will always be based on the grounds provided for in Regulation (EC) No 1049/2001. ∫ Article 7(1) of Regulation (EC) No 1049/2001
- In some cases (e.g., an application relating to a very long document or to a very large number of documents), this length of time may be extended by another 15 working days.

∫ Article 7(3) of Regulation (EC) No 1049/2001

## Send your

Create

request:

an **on-line** 

pad@frontex.europa.eu ◀ application by e-mail to:

> Pl. Europejski 6, by tradition-00-844 Warsaw, Poland al post to:

PAD application form **◄** 

### or frontex@frontex.europa.eu ◀ Send your Frontex Transparency Office application

**OUR REPLY TO YOUR APPLICATION** In the event of total or partial refusal, you may – within 15 working days of receiving our reply - make a confirmatory application, by asking

STEP 🐠

# ∫ Article 7(2) of Regulation (EC) No 1049/2001

Should an initial decision of total or partial refusal be confirmed, you may seek remedy by instituting court proceedings and/or making

Frontex to reconsider its position.

∫ Article 8(1) of Regulation (EC) No 1049/2001

a complaint to the European Ombudsman.

- Finally, PRACTICAL TIPS
- Make your application as clear and precise as possible to allow for a quick
- we will ask you to provide further information.

of the documents you are interested in.

If your application is not sufficiently precise,

and unambiguous identification

- Frontex Transparency Office will guide you along.
- In case your application relates to a very

handling of your application.

long document or to a very large number of documents, the Frontex Transparency Office will confer with you informally, with a view

to finding a fair solution, to allow for further

¶ Article 6(3) of Regulation (EC) No 1049/2001

- of the personal interest of the applicant. ¶ Article 6(1) of Regulation (EC) No 1049/2001

application. The decision whether or not

to disclose a document is made regardless

You are not obliged to provide reasons for your