



Judgment of the General Court of 24 April 2024 – Naass and Sea-Watch v Frontex

(Case T-205/22) (¹)

(Access to documents – Regulation (EC) No 1049/2001 – Documents relating to an aerial surveillance operation carried out by Frontex in the Central Mediterranean Sea on 30 July 2021 – Refusal to grant access – Article 4(1)(a) of Regulation No 1049/2001 – Exception relating to the protection of the public interest in the field of public security – Obligation to state reasons)

(C/2024/3606)

Language of the case: English

Parties

Applicants: Marie Naass (Berlin, Germany), Sea-Watch eV (Berlin) (represented by: I. Van Damme and A. Matthaiou, lawyers)

Defendant: European Border and Coast Guard Agency (Frontex) (represented by: R.-A. Popa and H. Caniard, acting as Agents, and by B. Wägenbaur, lawyer)

Re:

By their action under Article 263 TFEU, the applicants seek annulment of Decision DGSC/TO/PAD-2021-00350 of the European Border and Coast Guard Agency (Frontex) of 7 February 2022 concerning a confirmatory application for access to documents.

Operative part of the judgment

The Court:

1. Orders that Decision DGSC/TO/PAD-2021-00350 of the European Border and Coast Guard Agency (Frontex) of 7 February 2022 be annulled in so far as it refused access to 'all pictures and videos related to the aerial operation in the Central Mediterranean Sea on 30 July 2021'.
2. Dismisses the action as to the remainder;
3. Orders Ms Marie Naass and Sea-Watch eV to bear, in addition to their own costs, half of Frontex's costs.
4. Orders Frontex to pay half of its own costs.

(¹) OJ C 244, 27.6.2022.