

To the attention of Mr Fabrice Leggeri, Executive Director of the European Border and Coast Guard Agency (Frontex), and Mr Hervé Caniard, Head of Legal and Procurement Unit:

On 31 January 2020, the European Border and Coast Guard Agency (Frontex) sent Luisa Izuzquiza and Arne Semsrott an invoice claiming € 23,700.81 in legal costs, establishing a deadline for compliance of 28 days. The recipients are two freedom of information activists and the applicants in the first access to EU documents case against Frontex before the General Court of the European Union.<sup>1</sup>

In light of Frontex's claim, we are writing to demand Frontex refrains from pursuing any financial compensation for a legal challenge aimed at defending and protecting a fundamental EU right. We are also writing to express our concerns regarding the implications of Frontex's action when it comes to civil society's ability to protect and defend fundamental rights in the EU.

Choosing to impose high legal fees on human rights defenders and civil society actors effectively creates a chilling effect on the exercise of the right of freedom of expression and freedom of assembly and association. It also deters future legitimate and lawful attempts to defend fundamental rights before EU courts.

To this regard, we condemn Frontex's conduct in the present case, which we consider inadmissible for an EU agency.

We are therefore calling on Frontex to:

- *Cease* all attempts to create obstacles or impediments that would allow further and future litigation initiatives, especially when it comes to the defence of human rights.
- *Commit* not only to respect, but to fully ensure it enables the exercise of fundamental rights such as the right of access to EU documents and the right to freedom of expression.
- *Retract* their invoice for costs regarding case T-31/18, and make a pledge the agency will never again attempt to impose legal fees on civil society actors seeking to defend fundamental EU rights before the courts.

We recall that initiating legal proceedings in order to defend a right is a legitimate practice under democratic systems that abide by rule of law; it is a course of action that should be protected, not precluded or deterred.

<sup>1</sup> <http://curia.europa.eu/juris/fiche.jsf?id=T%3B31%3B18%3BRD%3B1%3BP%3B1%3BT2018%2F0031%2FJ&oqp=&for=&mat=or&lgreg=en&jge=&td=%3BALL&jur=C%2CT%2CF&num=T-31%252F18&language=en&avg=&cid=7522255>

**Signed:**

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