Dear Sir,

We refer to your request for European Commission documents registered on 20/02/2024 under the above-mentioned reference number.

1. **SCOPE OF YOUR REQUEST**

   You request access to the following document:

   “All exchanges with stakeholders on the implementation of the common charger. This is meant to include letters, e-mails, reports and any other documents exchanged with external stakeholders (Apple, Samsung, etc.) regarding how to implement the provisions of the Radio Equipment Directive as amended in December 2022 and the following Delegated Regulation published in September 2023. The time frame of the request is meant to cover exchanges between 1 December 2022 and 30 September 2023.”

2. **DESCRIPTION OF DOCUMENTS IDENTIFIED**

   We have identified twenty-seven (27) documents (under 21 recording numbers) falling under the scope of your request. The list of these documents is in annex.

3. **DISCLOSURE OF TWENTY-ONE (21) DOCUMENTS**

   Twenty-one (21) documents under recording numbers 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 21 are disclosed in their entirety, apart from the redaction of personal data.
These documents originate from third parties or the European Commission. I can confirm that DG GROW has consulted according to Article 4, paragraph 4 of Regulation 1049/2001, the third parties where required with a view to assessing whether an exception in paragraph 1 or 2 is applicable, and has obtained their permission to disclose the documents.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

4. NON-DISCLOSURE OF SIX (6) DOCUMENTS (ART. 4(2) OF REGULATION (EC) No.1049/2001)

Following an examination of the documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the opinion of the third party, I regret to inform you that access cannot be granted to three (3) documents under recording number 1, two (2) documents under recording number 4 and one (1) document under recording number 14 (see Annex), as well as the references to these documents in the respective recording numbers 6 and 15. Disclosure is prevented by exception to the right of access laid down in Article 4(2) of Regulation (EC) No 1049/2001 “where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property”.

The originator of the documents has objected to the disclosure and has motivated their position as follows: Object to disclosure - “We do not consent to the release of the relevant information and documents, which are confidential to Garmin and contain business secrets of Garmin whose disclosure would harm Garmin’s commercial interests (among others, within the meaning of Article 4(2) of Regulation 1049/2001).”.

According to Regulation (EC) No 1049/2001, an exception to the right of access must be waived if there is an overriding public interest in disclosing the document concerned, which outweighs the interest protected by the exception to the right of access. In this case, it has been concluded that there is no overriding public interest in their disclosure in the sense of the Regulation.

The possibility of granting partial access in accordance with Article 4(6) of Regulation (EC) No 1049/2001 has also been examined. However, this is not considered possible since the documents in question are covered in their entirety by the above-mentioned exception.

5. PROTECTION OF PERSONAL DATA

With regard to all the documents, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initi als and contact information of Commission staff members;
- the names/initi als and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons.
Article 9(1)(b) of the Data Protection Regulation\(^1\) does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

**by asking for a review via your portal\(^2\) account** (available only for initial requests submitted via the portal account),

**or by mail to:**

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

**or by email to:** [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Kerstin Jorna  
Director-General

Enclosure: Identified documents

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