



EUROPEAN COMMISSION

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Ms Julia REDA
European Parliament
Bât. Altiero Spinelli
Office 05F158
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1047 Brussels

DECISION OF THE SECRETARY-GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001¹

Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - Gestdem 2018/818

Dear Ms Reda,

I refer to your email of 5 March 2018, registered on the same day, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² ('Regulation 1049/2001').

1. SCOPE OF YOUR REQUEST

In your initial application of 6 February 2018, you requested access to *the Memorandum of Understanding on the future common charging solution for smartphones*.

In its initial reply of 2 March 2018, the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs refused access to this document based on the exception of Article 4(2), first indent (protection of commercial interests of a natural or legal person) of Regulation 1049/2001.

¹ Official Journal L 345 of 29.12.2001, p. 94.

² Official Journal L 145 of 31.5.2001, p. 43.

Through your confirmatory application, you request a review of this position and present arguments supporting your request.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

As part of this review, the Secretariat-General re-consulted DIGITALEUROPE, the author of this document, in accordance with Article 4(4) of Regulation 1049/2001. DIGITALEUROPE agreed with its disclosure.

Please find the link at which the document has in the meantime been made publicly available:

http://www.digitaleurope.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=2630&language=en-US&PortalId=0&TabId=353

3. MEANS OF REDRESS

Finally, I would like to draw your attention to the means of redress that are available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



For the Commission
Martin SELMAYR
Secretary-General