

*Meeting Mr Gwenole Cozigou,
Director ENTR/F with [REDACTED]
[REDACTED] (Apple)*

27/11 at 10:00

BRIEFING NOTE

1- INTRODUCTION

Apple representatives intend to clarify how the new connector of iPhone 5 ('lightning') complies with the MoU.

You may wish to convey to Apple the message that, beyond formal compliance with the MoU, the expectation of many MEPs and parts of the public is that Apple products can be charged with the common charger without need for an adaptor.

2 - SPEAKING POINTS

- We consider the MoU to have been a success for the citizens, the environment, and also for the signatories, which have been able to transmit an image of responsibility in serving the public. Therefore our Director-General has recently written to the MoU signatories in order to consolidate and update the MoU, and we expect a positive role of Apple in this regard
- The Commission agrees that products which by way of an adaptor can be charged with the common charger comply with the letter of the MoU. We are aware of the perception by parts of the public and MEPs that Apple ignores the MoU. The Commission has always tried to explain to them that the MoU, includes the possibility of complying by way of an adaptor
- At the same time, we would appreciate that Apple itself considers an approach for assuaging those concerns, namely:
 - a) That Apple products join the normal path for complying with the MoU, i.e. without an adaptor

- b) If that were not possible, that Apple systematically provides the adaptor with its products

3 - SPECIFIC BACKGROUND INFORMATION ON APPLE AND THE MOU

Apple has been a signatory of the MoU on harmonisation of chargers of mobile telephones since the beginning.

The MoU allows the use of an adaptor. Article 4.2.1 of the MoU reads

“4.2.1 In order that compatibility of as many Mobile Phones as possible with a Common EPS may be enabled, if a manufacturer makes available an Adaptor from the Micro-USB connector of a Common EPS to a specific non-Micro-USB socket in the Mobile Phone, it shall constitute compliance to this article”

This was done in particular in order to accommodate Apple within the MoU.

The Commission has received a number of questions and complains from citizens and MEPs with regard to Apple and the MoU. They main concerns have been the following three:

1. Apple has ignored the MoU, i.e. does not include the Micro-USB connector in its products covered by the MoU
2. Apple has introduced in the market a new product, iPhone 5, of which the connector ('lightning') neither complies with the MoU (i.e. the connector is not the agreed Micro-USB) nor is compatible with existing accessories for Apple iPhone (e.g. Apple chargers, loudspeakers, stations)
3. Apple does not provide the adaptor to the common charger for free with iPhone 5, a price of ca. 20 EUR has to be paid by consumers.

The Commission services have responded to such concerns with the following line:

-Apple products comply with the MoU because by way of an adaptor they can be charged with the common charger

-The Commission cannot intervene in the commercial policy, including pricing, of private companies

4 - GENERAL BACKGROUND INFORMATION ON THE MOU

Following a request from the European Commission, major producers of mobile phones agreed in June 2009 to sign a Memorandum of Understanding (“MoU”) to harmonise chargers for data-enabled mobile phones sold in the EU. The voluntary industry

commitment was endorsed by Commission Vice-President Verheugen at a press conference on 29.6.2009¹.

Subsequently, following a mandate from the European Commission², the European Standardisation Bodies CEN-CENELEC and ETSI issued end 2010 the harmonised standards making technically possible the compatibility of data-enabled mobile phones with the new common charger as of 2011, namely the international and European standard IEC/CENELEC EN 62684 covering interoperability issues, and harmonised standard ETSI EN 301489-34 providing presumption of conformity of compliant common chargers with the EMC Directive³. The common charger solution is based in the Micro-USB connector technology.

On 8th February 2011, Vice-President Tajani gave a press conference together with mobile phone manufacturers, announcing that the common charger would be introduced progressively in the market during 2011, once the harmonised standards are implemented and the subsequent design and testing changes for chargers and compatible phones introduced. In complement to the press conference, a press release was published on the same day on this issue⁴.

The latest progress report provided by the MoU signatories indicated that 95% of the new models placed on the market by the signatories during the first half of 2012 offer the common charging capability.

The MoU expires end 2012. On 19th November DG ENTR Director-General addressed a letter to the MoU signatories requesting an extension of the MoU and proposals in order to adapt it to the next generation of mobile telephones and charging technologies.

Website: http://ec.europa.eu/enterprise/sectors/rtte/chargers/index_fr.htm

Phone: 

¹ All information relevant to the common charger is available at http://ec.europa.eu/enterprise/sectors/rtte/chargers/index_en.htm

² M/455 - Standardisation mandate to CEN, CENELEC and ETSI on a common Charging Capability for Mobile Telephones

³ Directive 2004/108/EC on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC

⁴ <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/136&format=HTML&aged=0&language=EN&guiLanguage=en>