



EUROPEAN COMMISSION

Brussels, 9.7.2019
C(2019) 5341 final

[REDACTED]
21000 Split
Croatia

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

Subject: Your confirmatory application for access to documents – Gestdem 2019/2941

Dear [REDACTED]

I am writing in reference to your email of 1 July 2019, registered on the same date, by which you lodge 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 (hereafter ‘Regulation (EC) No 1049/2001’).

Through your initial application of 20 May 2019, you requested access to the following documents:

1. Copy of the reply submitted by the European Commission on 05/03/2019 to your access to documents application of 16/01/2019 (Ref. GestDem 2019/0557);
2. Document on the exemption of the Republic of Croatia from EU legislation over satellite communication networks and services (2GHz); and
3. Document by which the Commission entrusted the European Conference of Postal and Telecommunications Administrations (‘CEPT’) its second mandate pursuant to Article 4 of the Radio Spectrum Decision 676/2002/EC³.

¹ Official Journal L 345 of 29 December 2001, p. 94.

² Official Journal L145 of 31 May 2001, p.43.

³ Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision), Official Journal L 108, 24.4.2002, p. 1.

By letter of 25 June 2019, the Directorate-General for Communications Networks, Content and Technology provided full access to the documents listed under points 1 and 3 of your request.

As regards the document listed under point 2 of your request, the Directorate-General for Communications Networks, Content and Technology noted that it was also the subject of your previous request submitted on 16 January 2019 under reference number Gestdem 2019/0557. The Directorate-General for Communications Networks, Content and Technology stressed that on 5 March 2019 it had informed you that it did not hold any such a document, and that following your confirmatory application of 25 March 2019, the European Commission had confirmed the position expressed in the said initial reply.

In your confirmatory application, you make a series of allegations against the Directorate-General for Communications Networks, Content and Technology that will, however, not be addressed in the scope of the present decision which is circumscribed to the framework of Regulation (EC) No 1049/2001.

In your confirmatory application, you also request a review of the position of the Directorate-General for Communications Networks, Content and Technology of 25 June 2019.

However, you do not put forward any change in the legal or factual situation that would warrant a renewed search since the confirmatory decision of the European Commission of 17 May 2019 reiterating the lack of any document corresponding to point 2 of your request.

After careful examination, we came to the conclusion that the legal and factual circumstances in question have remained unchanged since 17 May 2019.

Therefore, I refer you to the Decision of the European Commission, C(2019) 3871 final, registered under the reference Ares(2019)3261977.

Consequently, the conclusion pursuant to which the European Commission is unable to handle your request remains justified in the light of the current legal and factual situation.

The European Commission does not indeed hold any document corresponding to the description provided in point 2 of your application, as stated in its Decision of 17 May 2019, C(2019) 3871 final.

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

Yours sincerely,

For the Commission



CERTIFIED COPY
For the Secretary-General,



EUROPEAN COMMISSION