



EUROPEAN COMMISSION

Brussels, 22.7.2019
C(2019) 5591 final

████████████████████
██████████
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 under
Regulation (EC) No 1049/2001 - GESTDEM 2019/3206**

Dear ██████████

I refer to your email of 2 July 2019, registered on the same date, 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 (hereafter ‘Regulation (EC) No 1049/2001’).

1. SCOPE OF YOUR REQUEST

In your initial application of 3 June 2019, you requested access to ‘clear relevant document that EU Member State is not competent for overseeing satellite communication networks and services in 2GHz-Inmarsat band on EU state flag ship in international navigations.’

In its initial reply of 25 June 2019, the Directorate-General for Communications Networks, Content and Technology noted that this was also the subject of part of your previous requests of 16 January 2019 under reference number GESTDEM 2019/0557 and of 20 May 2019 under reference number GESTDEM 2019/2941, respectively.

Regarding your request referenced under number GESTDEM 2019/2941, the Directorate-General for Communications Networks, Content and Technology, informed you in its initial reply of 25 June 2019 that it did not hold any such a document, and following your

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

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

confirmatory application of 1 July 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 cannot, however, 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 circumstances occurred since the confirmatory decision of the European Commission of 9 July 2019 reiterating the lack of any document falling within the scope of your request. I have examined whether there are any new circumstances and have come to the conclusion that the legal and factual circumstances are the same and there is no document held by the European Commission which falls within the scope of your request. Indeed, as specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Therefore, I refer you to the two Decisions of the European Commission, C(2019)3871 and C(2019)5341.

Given that the European Commission does not hold any such documents corresponding to the description given in your application, it is not in a position to fulfil your request.

2. MEANS OF REDRESS

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