



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Industrial Transformation and Advanced Value Chains
Advanced Engineering and Manufacturing Systems
Head of Unit

Brussels, 30/04/2018
Grow C3/NM/PFS ig ares 1858929

Mr Sebastian Raible
European Parliament
Bât. Altiero Spinelli
05F158
60, rue Wiertz
B-1047 Bruxelles

*By registered letter with
acknowledgment of receipt*

*Advance copy by email: ask+request-
5218-8686c7f0@asktheeu.org*

Dear Mr Raible,

Subject: Your application for access to documents – Ref GestDem No 2018/1504

We refer to your e-mail dated 05/03/2018 in which you make a request for access to documents, registered on 12/03/2018 under the above mentioned reference number.

You request access to any document that relates to the introduction of regulation or self-regulation regarding the provisions on interoperable common chargers for smartphones in Directive 2014/53/EU ("Radio Equipment Directive"), including but not limited to possible guidance given, proposals, memos, studies, notes, meeting records, letters to Commission and staff regarding self-regulatory agreements, e.g. codes of conduct, memoranda of understanding.

Following the above request and in reply to the clarifications asked by DG GROW services, you informed DG GROW that you agree to narrow down the request to the timeframe from 2011 until the date of your application and to the Directorates-General most possibly involved, GROW, CNECT, TRADE and RTD, including their respective predecessors in the previous Commission term, for example DG ENTR; as well as INEA. In the meantime, DG GROW has consulted the related Commission services who confirmed that they do not hold any documents, notes etc. relating to the subject matter of the request.

DG GROW has identified all possible related documents falling within the scope of the request, which are held by DG GROW (including those held as DG ENTR). None of these documents were classified as confidential. In addition, none of these documents were considered as documents that cannot be released by the Commission services.

We enclose a copy of documents, the details of which are listed in the attached document register, relating to the above subject matter and prepared or received during the above timeframe. This list

does not include those documents which are already publicly available and can be found on the Commission's website.¹

A number of documents (clearly identified in the register) contained information on areas not relating to the request and therefore that content has been redacted.

Please note that documents originating from third parties, as defined in Article 3(b) of Regulation (EC) 1049/2001, are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on them. They do not reflect the position of the Commission and cannot be quoted as such.

With respect to the other documents, i.e. internal notes, briefings, minutes of meetings and letters sent by the Commission, please note that these documents do not reflect the final position of the Commission. They cannot be quoted as reflecting the Commission's final position and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission.

Additionally, a number of the above documents contain personal data: names, e-mails, phone numbers and addresses.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing a version of the documents requested in which these personal data have been redacted.

As to the handwritten signatures and certain other handwritten text, which are biometric data, there is a risk that their disclosure would prejudice the legitimate interests of the persons concerned.

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of

¹ http://ec.europa.eu/growth/sectors/electrical-engineering/red-directive/common-charger_en

https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?FormPrincipal:_idcl=FormPrincipal:_id1&FormPrincipal.SUBMIT=1&id=f1597118-38ca-4e09-917e-bbb3ad176684&javax.faces.ViewState=eZQwsrpdmWpIEoefoxVjiF1uS4RvAst6hiwbHyfVkr%2BJCeLYl%2F3WTB3puAqX%2BbIRn8pi6MdtN1aefA%2BekY5TmS9Jq77%2BAsQ%2BrfCcPZmRLkkNVIKKDi8rpvEJcY2eC8tg7eJwUKJzxaWdlG%2BUbaUBgkhiwx3zB1PhNvk3A%3D%3D

² Official Journal L 8 of 12.1.2001, p. 1

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, *Commission/The Bavarian Lager Co. Ltd*, ECR 2010 I-06055.

personal data, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/288
B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Barbara Bonvissuto

Enclosure: Table with the list of documents
 TCAM.zip (TCAM documents)
 pdf redacted docs.zip (letters, e-mails)
 briefing redacted.zip (briefings)

