Subject: Your applications for access to documents

Ref.: GESTDEM 2018/3723 and 2018/3725

Dear Sir,

We refer to your messages dated 12 July 2018, in which you made two requests for access to documents, registered on 13 July 2018 under the above-mentioned reference numbers.

1. APPLICATIONS UNDER REGULATION (EC) NO 1049/2001

You request access to documents described as follows:

<table>
<thead>
<tr>
<th>GESTDEM 2018/3723</th>
</tr>
</thead>
</table>
| "... documents which contain the following information:

The number of units (see below) purchased from Bechtle AG in the change request 7190-82 amendment 13 to Framework contract No 7190 MEQ III as of 13/12/2017 til present:" |
|   | 1. iPhone 8 - 64GB  
|   | 2. iPhone 8 - 256GB  
|   | 3. iPhone 8 Plus - 256 GB  
|   | 4. iPhone X - 256 GB  |

GEDSTEM  
2018/3725  
"... documents which contain the following information:

The number of new model units purchased from Bechtle AG under framework contract change request ‘MEQIII - DI07190-29’, reference DIGIT/R2/PO/2012/027 as of 31/12/2014 til present for the following items:

1. Microsoft Surface Pro 3 i5 256GB 8GB RAM  
2. Microsoft Surface Pro 3 i5 128GB 4GB RAM"

We regret to inform you that no single document held by the Commission and pre-dating your request contains precisely the information described in your messages. That information is in fact scattered across many Order Forms issued under the Framework Contract to which you refer; these Order Forms would need to be identified and analysed solely in order to compile the requested information.

Furthermore the requested information cannot be extracted easily from a single information system through pre-programmed search tools either.

As provided for in Article 2(3) of Regulation (EC) No 1049/2001, the right of access under that Regulation applies only to existing documents in the possession of the Commission.

Therefore we are not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled 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 5/282  
B-1049 Brussels (Belgium)

or by email to: sg-acc-doc@ec.europa.eu

2. REQUEST FOR INFORMATION

Nevertheless, in order to assist you as much as possible, we have also considered your applications as a request for information under the Commission’s *Code of Good Administrative Behaviour*.

On this basis, we have put some effort into gathering relevant information. As a result, we are now in a position to provide you with the following consolidated
tables, which —to the best of our knowledge— should be roughly accurate and correspond to the information you wanted to obtain.

<table>
<thead>
<tr>
<th>Model</th>
<th>Number of units purchased from 31/12/2014 until the end of Framework Contract DI-07190-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>iPhone 8 - 64GB</td>
<td>857</td>
</tr>
<tr>
<td>iPhone 8 - 256GB</td>
<td>85</td>
</tr>
<tr>
<td>iPhone 8 Plus - 256 GB</td>
<td>2</td>
</tr>
<tr>
<td>iPhone X - 256 GB</td>
<td>24</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Model</th>
<th>Number of units purchased from 13/12/2017 until the end of Framework Contract DI-07190-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microsoft Surface Pro 3 i5 256GB 8GB RAM</td>
<td>30</td>
</tr>
<tr>
<td>Microsoft Surface Pro 3 i5 128GB 4GB RAM</td>
<td>6</td>
</tr>
</tbody>
</table>

I trust that you will find this information helpful.

I would like to underline that this way of proceeding is exceptional and should not be taken as creating a precedent requiring the Commission to go beyond its strict legal obligations under Regulation (EC) No 1049/2001 whenever no existing documents are in scope of an application for access.

Yours faithfully,

Mário Campolargo, in absence of Gertrud Ingestad