

Antonio Tajani
Vice-President of the European Commission

Brussels, 14. 12. 2012
CA.7/SK – Ares(2012)

Dear Honourable Member,

I would like to thank you for having conveyed to the Commission your constituents' questions related to Apple.

DG Enterprise and Industry held a meeting with Apple representatives on 27 November 2012 in order to further clarify the situation. As the iPhone 5 can be charged with the common charger by way of an adaptor, the Commission does not have evidence that Apple has breached the MoU.

With regard to the question of compliance of Apple with the Memorandum of Understanding on the harmonisation of chargers for data-enabled mobile phones (MoU) raised by ██████████, it should be noted that the MoU also allows for the use of an adaptor, and that the MoU does not prescribe the commercial conditions for the provision of such an adaptor. Moreover it is worth noting that the Commission cannot and should not interfere on the marketing strategies of manufacturers.

The Commission continues to monitor mobile phone market developments as well as the impact of the MoU on the market for other small portable electronic devices such as digital cameras, tablets and music players. In view of the expiry of the MoU by the end of 2012 the Commission is examining appropriate follow-up measures and is investigating the possibility of extending the agreement. In this respect, the Commission intends to launch a study to assess the results achieved with the MoU and to analyse options for follow-up initiatives.

With regard to the question on whether it is against EU rules for Apple's operating system to only allow files to be saved on an idisk as opposed to other operating systems, EU antitrust law comprises rules against abuses of dominant positions by for example foreclosing competing firms' services. Whether Apple's behaviour infringes these rules can only be assessed in an investigation by the services of my colleague, Vice-President Almunia, to whom your constituent can send a complaint¹.

Mr Glenis Willmott
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¹ http://ec.europa.eu/competition/consumers/contacts_en.html

Finally, as regards you constituent's question on EU plans to review patent legislation, Apple's rights on the shape concern design patents in the US. These are not invention patents. In the EU, this is equivalent to a design right. The EU is currently changing neither design nor patent legislations on substance.

Yours Sincerely,

A large black rectangular redaction box covers the signature area. The name 'Antonio Tajani' is visible through a narrow horizontal slit in the redaction.

Antonio Tajani