

**Explanatory Memorandum to  
Decision No BoR/2018/02 of the Board of Regulators on  
confirmatory application for access to BEREC documents of the Net  
Neutrality EWG**

02 February 2018

On 13.12.2017 BEREC Office received a confirmatory application on access to Net Neutrality Expert Working Group documents

After contacting the NN EWG Co-Chairs and the BEREC Chair's office with the aim to inquire about the possibility to disclose the relevant documents a proposal was made to partially disclose the requested documents to the applicant.

In the light of the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, a decision has to be taken on the confirmatory applications.

According to article 4 of Decision BoR (10) 26 concerning access to documents, the Board of Regulators, assisted by the Office, shall take decisions regarding confirmatory applications.

After consultation of the NN EWG, the Office and the Chair's office estimated that a full refusal of access to the documents could not be justified based on Art. 4(1), Art 4(2) and 4(3) of Regulation 1049/2001. Therefore the proposal suggests to give only partial access to the requested documents (removing personal and confidential details).