

**PUBLIC VERSION**

**MINUTES**

**16<sup>th</sup> Board of Appeal meeting (restricted)**

**28 June 2019, 17.00 – 19.00,**

*Teleconference*

The meeting of the Board of Appeal is restricted due to the appeal cases A-003-2019 and A-001-2019 (consolidated) dealt with.

**By teleconference:**

|           |                                   |
|-----------|-----------------------------------|
| Member    | <b>Miltos Aslanoglou</b>          |
| Member    | <b>Walter Boltz (Rapporteur)</b>  |
| Member    | <b>Yvonne Fredriksson</b>         |
| Member    | <b>Jean-Yves Ollier</b>           |
| Member    | <b>Andris Piebalgs (Chairman)</b> |
| Member    | <b>Mariusz Swora</b>              |
| Registrar | <b>Andras Szalay</b>              |

1. The Board of Appeal approved the Agenda as follows:

| Agenda items   | BoA decision |
|--|--------------|
| <b>1. Briefing on case A-003-2019</b>                        | no           |
| <b>2. Discussion on the merits of case A-003-2019</b>        | no           |
| <b>3. Decision on case A-003-2019</b>                        | yes          |
| <b>4. Briefing on case A-001-2019 (cons)</b>                 | no           |
| <b>5. Discussion on the merits of case A-001-2019 (cons)</b> | no           |
| <b>6. Decision on case A-001-2019 (cons)</b>                 | yes          |

## **2. Discussion of the items of the Agenda**

### ***Agenda item n° 1. – Briefing on case A-003-2019 upon the Rapporteur’s report***

The members overview the Report on case A-003-2019 which was previously shared with them in written form.

### ***Agenda item n° 2. – Discussion on the merits of case A-003-2019***

Subsequently, in accordance with Article 21(2) of the Rules of Procedure, each member stated his or her opinion and the reasons for it. The Chairman was heard last.

**[restricted part]**

In accordance with Article 21 of the Rules of Procedure, deliberations shall be and shall remain secret.

### ***Agenda item n° 3. – Decision on case A-003-2019***

The Chairman of the Board of Appeal, in accordance with Article 22 of the Rules of Procedure, ordered the procedure for voting about the Rapporteur’s report in order to reach the final decision of the BoA.

### **BoA Decision 1./28.06.2019**

**[restricted part]**

### ***Agenda item n° 4. – Briefing on case A-001-2019 (cons) upon the Rapporteur’s report***

The members overview the Report on case A-001-2019 (cons) which was previously shared with them in written form.

***Agenda item n° 5. – Discussion on the merits of case A-001-2019 (cons)***

The Chairman of the Board of Appeal, in accordance with Article 22 of the Rules of Procedure, ordered the procedure for voting about the Rapporteur's report in order to reach the final decision of the BoA.

***Agenda item n° 6. – Decision on case A-001-2019 (cons)***

The Chairman of the Board of Appeal, in accordance with Article 22 of the Rules of Procedure, ordered the procedure for voting about the Rapporteur's report in order to reach the final decision of the BoA.

**BoA Decision 2./28.06.2019**

**[restricted part]**

Then the meeting was adjourned.

*For the Board of Appeal:*

*Andris Piebalgs, Chairman*